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TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

PART 23—FEDERAL LAND BANK OF COLUMBIA

FEES

Section 23.6 *Transfer of mortgage and stock interests fees,* of Title 6, Code of Federal Regulations, is hereby revoked, effective June 17, 1947. [Res. Bd. Dir., June 17, 1947] (Sec. 13, "Ninth" 39 Stat. 372; 12 U. S. C. 781 "Ninth")

THE FEDERAL LAND BANK OF COLUMBIA,
[SEAL] By JULIAN H. SCARBOROUGH,
President.

Confirmed:

C. M. EARLE, Jr.,
Secretary.

[F. R. Doc. 47-6633; Filed, July 15, 1947; 8:46 a. m.]

PART 30—FEDERAL LAND BANK OF HOUSTON

FEES

Part 30 of Title 6 of the Code of Federal regulations is hereby amended to read as follows:

Sec.
30.1 Application fees; loan fees; land bank, Land Bank Commissioner, or joint land bank and Land Bank Commissioner loans.
30.2 Reamortization fees; land bank, Land Bank Commissioner, or joint land bank and Land Bank Commissioner loans.
30.3 Expense fee for abstract handling.

AUTHORITY: §§ 30.1 to 30.3, inclusive, issued under sec. 13 "Ninth" 39 Stat. 372, secs. 32, 33, 48 Stat. 49 as amended, secs. 1, 2, 48 Stat. 344, 345; 124 S. C. and Sup. 781 "Ninth," 1016, 1017, 1020, 1020a, and Sup., 6 CFR, 19.322, 19.326, 19.330.

§ 30.1 *Application fees; loan fees; land bank, Land Bank Commissioner or joint land bank and Land Bank Commissioner loans.* A fee of $10 will be collected with each new loan application and each application for an additional or increased loan; and

A fee of $5 will be collected with each application for division of an existing loan.

The initial fee collected in each case will be refunded if no appraisal is made by a land bank appraiser.

§ 30.2 *Reamortization fees; land bank, Land Bank Commissioner, or joint land bank and Land Bank Commissioner loans.* No fee will be collected with an application for reamortization. Each applicant, however, will be required to pay actual cash outlays incurred for abstract expense, notarial fees, recording fees, obtaining tax certificates, and other incidental items necessary for the completion of the transaction.

§ 30.3 *Expense fee for abstract handling.* The Abstract Section is authorized to collect a handling fee of $2 for each abstract of title borrowed from the bank where the abstracts are returned to the bank in as good condition as when delivered.

[Res. Bd. of Dir. Dec. 16, 1942; Res. Bd. of Dir. Sept. 20, 1944; Res. Bd. of Dir. Nov. 20, 1944; Res. Ex. Com. Dec. 4, 1944] [Res. Executive Committee May 26, 1947]

THE FEDERAL LAND BANK OF HOUSTON,
By STERLING C. EVANS,
President.

[F. R. Doc. 47-6634; Filed, July 15, 1947; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Fresh Pea Order 1]

PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE COUNTIES IN COLORADO

LIMITATION OF SHIPMENTS

§ 910.301 *Fresh Pea Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 10, as amended (7 CFR, Cum. Supp., 910.1 et seq.) regulating the handling of fresh peas and cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agree-

(Continued on p. 4713)

CONTENTS

FEDERAL REGISTER

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CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

[1] See Interior Department, Bureau of Land Management, Misc. 2084343, 2093374 and 2130586.

CODIFICATION GUIDE—Con.

ment and order, and upon other available information, it is hereby found that the limitation of shipments of fresh peas, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., m. s. t., July 17, 1947, and ending at 12:01 a. m., m. s. t., September 16, 1947, no handler shall handle any lot of fresh peas unless such lot contains not less than eighty (80) percent peas of U. S. No. 1 quality (as defined in the U. S. Standards for Fresh Peas, issued April 25, 1942, effective June 1, 1942, and re-issued by the United States Department of Agriculture on July 19, 1946), and have a minimum pod length of three (3) inches.

(2) As used in this section, the terms "peas", "handlers" and "handle" shall have the same meaning as when used in the amended marketing agreement and order.

(49 Stat. 753, 50 Stat. 246 as amended; 7 U. S. C. 603c; Order 10, Secretary of Agriculture, 7 CFR, Cum. Supp. 910, 2 et seq.)

Done at Washington, D. C., this 14th day of July 1947.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 47-6725; Filed, July 15, 1947; 10:29 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 26-2]

PART 26—AIR-TRAFFIC CONTROL-TOWER OPERATOR CERTIFICATES

TEMPORARY CERTIFICATES

The enacting paragraph of this amendment (12 F. R. 4431) should be corrected to read as follows:

Effective June 27, 1947, Part 26 of the Civil Air Regulations is amended by adding a new § 26.40 to read as follows:

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-6648; Filed, July 15, 1947; 8:45 a. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 441]

PART 402—LOANS AND PROPERTIES

MISCELLANEOUS AMENDMENTS

Amend Part 402, Chapter IV, Title 24 of the Code of Federal Regulations as follows:

1. The first sentence of § 402.15-14 *Insurance ordered by Corporation on security properties* shall be amended to read as follows: "All insurance contracts protecting the loan or property sold by the Corporation on Sales Contract shall be reviewed immediately upon a cancellation, demand for payment of premium due to the insured's failure to make such payment, notification of lapse or voidance of any insurance policies, and/or fifteen days after the expiration date."

2. Section 402.15-28 *Disposition of insurance loans paid in full* shall be amended by adding thereto the following as the second paragraph thereof:

When the Comptroller's Division informs the Insurance Section that funds have been received purporting to pay a loan in full and the home owner has not previously informed the Corporation of his intention to do so, the Insurance Section shall review the insurance coverage held by the Corporation. If insurance has expired or will expire prior to the time that the home owner can be given reasonable notice of such expiration, the Insurance Section shall notify the home owner on Form 539 that the expired or expiring insurance coverage will not be renewed by the Corporation for a period in excess of fifteen days from the date of the notice to the home owner. An order and cancellation shall be forwarded to the contract carrier to provide coverage from expiration date to the cancellation date shown on Form 539.

Effective: July 11, 1947.

(Secs. 4 (a), 4 (k) 48 Stat. 129, 132, 643, 647 as amended; 12 U. S. C. and Sup. 1463; E. O. 9070, Feb. 24, 1942, 3 CFR Cum. Supp.)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 47-6980; Filed, July 15, 1947; 8:46 a. m.]

Chapter VIII—Office of Housing Expediter

PART 806—HOUSING PERMIT REGULATION UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

[Housing Permit Reg., as Amended, June 30, 1947]

AUTHORIZATION FOR HOUSING

Par.
(a) What this section provides.
(b) [Deleted June 30, 1947]
(c) [Deleted June 30, 1947]
(d) [Deleted June 30, 1947]

AUTHORIZATIONS

(e) Kinds of housing authorized.
(f) [Deleted June 30, 1947]
(g) [Deleted June 30, 1947]

CONSTRUCTION

(h) [Deleted June 30, 1947]
(i) Posting of placards or signs.

RENTS

(j) Applicability of rules on maximum rents.
(k) Maximum rents approved.
(l) Amounts approved.
(m) Maximum rent not to be exceeded.
(n) [Deleted June 30, 1947]

PREFERENCE FOR VETERANS

(o) Veterans' preference for family dwellings.
(p) Veterans' preference for dormitories or other single-person housing facilities.

DEFINITIONS

(q) Definitions.

OTHER PROVISIONS

(r) Advertisements.
(s) [Deleted June 30, 1947]
(t) Appeals.
(u) Communications.
(v) Violations and enforcement.
(w) Records and reports.
(x) Effective date.

§ 806.1 *Authorization for housing*—(a) *What this section provides.* This section of the Code of Federal Regulations, § 806.1, is called the "Housing Permit Regulation." It was issued under the Veterans' Emergency Housing Act of 1946, and continues in effect under that act and the Housing and Rent Act of 1947.

NOTE: When the term "this section" is used in this Housing Permit Regulation, it means this entire regulation and not just a part of

it. The regulation is divided into paragraphs marked with small letters; these are divided into subparagraphs marked with numbers.

This section was the method by which the Housing Expediter provided authorization, from December 24, 1946, until June 30, 1947, for the construction, repair, alteration or conversion of housing accommodations. After June 30, 1947, it is no longer necessary to have an authorization to begin residential construction work of any kind.

However, certain of the restrictions on housing already authorized under this section remain in effect. This amendment of June 30 explains which restrictions remain.

(b) [Deleted June 30, 1947.]
(c) [Deleted June 30, 1947.]
(d) [Deleted June 30, 1947.]

AUTHORIZATIONS

(e) *Kinds of housing authorized.* Authorization to do construction work on housing accommodations has been granted under this section to the following:

(1) *Veteran.* A veteran wishing to build, complete, alter, or repair a family dwelling (or convert a dwelling or other structure into a family dwelling) for his occupancy as owner.

(2) *Builder for veterans.* A person wishing to build or complete one or more family dwellings (or convert dwellings or other structures into family dwellings) to which veterans will be given preference in selling or renting.

(3) *Non-veteran building for own occupancy.* A person wishing to build a family dwelling (or convert a dwelling or other structure into a family dwelling) for his occupancy as owner.

(4) *Disaster.* A person wishing to reconstruct (or build on another site, in event of total destruction) or repair a dwelling destroyed or damaged by fire, flood, tornado, or other similar disaster.

(5) *Repairs or alterations to make a dwelling habitable or to provide space for additional persons.* A person wishing to make repairs or alterations to a dwelling necessary in order (i) to maintain it in a habitable condition or to return it to a habitable condition, or (ii) to make a summer home habitable for winter occupancy by a veteran, or (iii) to provide space for additional persons who are either veterans or members of the immediate family of the owner.

(6) *Housing for student veterans.* Any educational institution (or any person under its sponsorship) or any public organization wishing to construct, repair, or alter a dormitory or other single-person housing facility (or repair or alter any family dwelling) for student veterans.

Before starting construction under this subparagraph (6) of this section as amended June 1, 1947, a person under the sponsorship of an educational institution was required to obtain a letter from the institution which (i) requested that the person sponsored construct a certain number of units for student occupancy, (ii) stated that there was not a sufficient number of available rooms in the community for its student veterans, and (iii) represented that the institution would refer student veterans to the proposed accommodations as long as this section is in effect. The person sponsored must keep this letter on file for at least 2 years after construction is begun.

NOTE: For the purposes of this section, dwellings constructed, altered or repaired under paragraph (c) of this section as in effect before June 1, 1947 are deemed to be constructed, altered or repaired under the corresponding subparagraph of paragraph (e) of this section as amended June 30, 1947. However, this does not apply to former paragraph (c) (7).

(f) [Deleted June 30, 1947.]
(g) [Deleted June 30, 1947.]

CONSTRUCTION

(h) [Deleted June 30, 1947.]

(i) *Posting of placards or signs.* The Veterans' Preference Regulation (12 F R. 4265) gives the rules on the posting of placards or signs in front of housing accommodations constructed under paragraph (e) (2) or (e) (6) of this section, if the construction is completed after June 30, 1947 and before March 31, 1948. (See paragraph (q) (10) of this section for definition of time at which construction is completed.)

If housing accommodations constructed under paragraph (e) (2) or (e) (6) of this section were completed on or before June 30, 1947, the builder must post either placards or signs as explained in this paragraph:

(1) *Placards.* Placards indicating that dwellings are being built for sale or rent to veterans under the Veterans' Emergency Housing Program are available at the State or District Offices of the Federal Housing Administration, and at the Regional Offices of the Federal Public Housing Authority. If the builder elects to post a placard or placards, the builder must obtain an appropriate placard (sale or rent, as the case may be) for each building constructed under paragraph (e) (2) or (e) (6) of this section which is completed on or before June 30, 1947.

He must post such a placard in a conspicuous location in front of each separate residential building within five days after the time construction is begun, and must continue to post the placard at least until completion of the building. In addition, unless all the accommodations in the building have been sold or rented to veterans, the builder must continue to post the placard for 60 days after completion of the building in the case of offer for sale, or 30 days afterwards in the case of offer for rent.

Rent placards contain a space for the maximum rent. In the case of dwellings offered for rent, the builder must legibly and permanently insert in this space the appropriate rent, not to exceed the maximum permitted under paragraphs (j) through (m) of this section. He must do this not later than the date on which construction of the dwellings is completed.

(2) *Signs.* If the builder elects to post a project sign in lieu of the placards, he must post a sign having the approximate dimensions of three by five feet (or greater) in a conspicuous location on the site of each project. In the case of a project comprised of only one dwelling, the sign need not meet these dimension requirements. Such a sign must contain the same information and be posted during the same period as is required under subparagraph (1) of this paragraph in the case of placards.

RENTS

(j) *Applicability of rules on maximum rents.* The restrictions on rents contained in paragraphs (j) through (m) of this section apply to all newly constructed dwellings for which a proposed maximum rent or maximum shelter rent was required to be stated in an application upon which a construction permit was issued under this section, if (1) the construction of the dwelling was completed before February 1, 1947, and (2) the dwelling is located in a defense rental area under rent control maintained pursuant to Title II of the Housing and Rent Act of 1947. This would include, for example, a prefabricated house the erection of which was completed under this section on or before January 31, 1947. (See paragraph (q) (10) of this section for definition of time at which construction is completed.)

These restrictions must be observed for such dwellings completed before February 1, 1947, as long as this section is in effect. However, under the Housing and Rent Act of 1947 the Housing Expediter has no authority to control rents on housing accommodations the construction of which is completed under this section on or after February 1, 1947, so the restrictions of paragraphs (j) through (m) of this section do not apply to such housing.

(k) *Maximum rents approved.* Persons who applied under this section to the FHA or FPHA for a permit to construct dwellings to be offered for rent were required to state in their applications proposed maximum rents and maximum shelter rents. The Federal Housing Administration (or the Federal Public Housing Authority) approved the proposed rents in accordance with paragraph (l) of this section.

(l) *Amounts approved.* No maximum shelter rent exceeding $80 per month was approved for a dwelling under this section unless the average of all maximum shelter rents approved for dwellings in the project in which the dwelling is located was $80 per month or less.

As provided in paragraph (q) (3) of this section, the maximum rent for a dwelling may include, in addition to the maximum shelter rent, a charge for tenant services and a charge for garage space. However, the total charge for tenant services was not approved if more than $3 per room per month. The charge for the garage space was not approved if more than $10 per month, and was allowed only for dwellings in multiple-family accomodations.

Maximum rents and maximum shelter rents were approved under this section only if they were reasonably related to the housing accomodations, the tenant services, and the garage space involved. However, approval of a proposed maximum rent or maximum shelter rent should not be considered as a representation by the processing agency that

the rent represents the value of the dwelling for other purposes.

(m) *Maximum rent not to be exceeded.* No person shall rent any dwelling for which a maximum rent or maximum shelter rent has been approved under this section for more than the approved maximum rent or maximum shelter rent, respectively, if (1) the construction of the dwelling was completed before February 1, 1947, and (2) the dwelling is located in a Defense Rental Area under rent control maintained pursuant to Title II of the Housing and Rent Act of 1947.

(n) [Deleted June 30, 1947.]

PREFERENCE FOR VETERANS

(o) *Veterans' preference for family dwellings.* The rules set out in this paragraph apply to all housing accommodations the construction of which is completed under this section on or before June 30, 1947. Paragraph (q) (10) of this section define the time at which construction is deemed to be "completed" for this purpose. (For veterans' preference rules on construction under this section completed after June 30, 1947, see the Veterans' Preference Regulation, 12 F. R. 4265.)

(1) *Preference periods.* If a family dwelling built or converted under this section and completed on or before June 30, 1947, is being offered for sale or rent, the owner (whether the builder or any subsequent owner) or any other person must not sell, rent or otherwise dispose of it to any person other than a veteran unless he has publicly offered it for sale or rent, as the case may be, to veterans for their own occupancy.

In the case of sale, this offer must be made to veterans for at least 60 days (or during construction and for 60 days afterwards in the case of a builder under paragraph (e) (2) of this section). In the case of rent, this offer must be made to veterans for at least 30 days (or during construction and for 30 days afterwards, in the case of a builder under paragraph (e) (2) or paragraph (e) (6) of this section) If construction of the dwelling was completed before February 1, 1947, this offer must be made at not more than the maximum rent approved under paragraph (k) of this section.

(2) *Must make public offer* A person who has built or converted a family dwelling for rent or sale under this section must, for the periods of time provided in subparagraph (1) of this paragraph, publicly offer it for sale or for rent to veterans for their own occupancy.

(3) *Most favorable terms to veterans.* No person may sell or rent or otherwise dispose of a dwelling built or converted under this section to a person other than a veteran on terms or at a price more favorable than offered to veterans during the time a public offering must be made to veterans under subparagraphs (1) and (2) of this paragraph.

(4) *Special rules for (e) (5) and (e) (6) cases.* In the event that additional space provided by alterations under paragraph (e) (5) (iii) of this section is vacated, the builder or a subsequent owner or other person must not, while this section is in effect, rent it to any person other than a member of his immediate family or a veteran unless it has been publicly offered for rent to veterans for at least 30 days on the same or more favorable terms.

Family dwellings built, repaired or altered under paragraph (e) (6) of this section by persons under the sponsorship of an educational institution must be made available during the institution's school year only to student veterans and their dependents referred by the institution.

(5) *Exceptions.* This paragraph (o) does not apply to:

(i) Dwellings built in disaster cases under paragraph (e) (4) of this section;

(ii) The initial occupancy of a dwelling built or converted under this section for the occupancy of the builder or the continued occupancy of his tenant;

(iii) The occupancy of a dwelling in two-family or multiple-family housing accommodations by the owner of the entire structure;

(iv) Sales in the course of judicial or statutory proceedings in connection with foreclosures (sales subsequent to such judicial or statutory sales are subject to the provisions of this paragraph (o)),

(v) Sales of multiple-family housing accommodations for investment purposes rather than for occupancy by the purchaser; or

(vi) The occupancy of a dwelling by a building service employee which does not exceed 15 percent of the residential floor space of the structure or project.

(p) *Veterans' preference for dormitories or other single-person housing facilities.* The rules set out in this paragraph apply to all single-person housing facilities the construction of which is completed under this section on or before June 30, 1947. Paragraph (q) (10) of this section defines the time at which construction is deemed to be "completed" for this purpose. (For veterans' preference rules on construction under this section completed after June 30, 1947, see the Veterans' Preference Regulation, 12 F. R. 4265.)

(1) *Exclusively for veterans.* A person who has built or converted a dormitory or other single-person housing facility for student veterans under paragraph (e) (6) of this section must make the accommodations available, during the school year of the institution involved, exclusively for veterans and their dependents referred by the institution.

(2) *Exceptions.* However, if an educational institution builds a dormitory under this section, it may make 40% of the accommodations in the dormitory available to non-veterans if it makes available to veterans an equivalent number of similar or better accommodations in other dormitories at rents not higher than the rents to be charged for the new dormitory accommodations. It may also make not more than 15 percent of the residential floor space of any dormitory or dormitory project available to building service employees.

DEFINITIONS

(q) *Definitions.* As used in this section:

(1) The term "veteran" shall include:

(i) A person who has served in the active military or naval forces of the United States on or after September 16, 1940, and who has been discharged or released therefrom under conditions other than dishonorable;

(ii) The spouse of a veteran (as described in the preceding subparagraph) who died after being discharged or released from service, if the spouse is living with a child or children of the deceased veteran;

(iii) A person who is serving in the active military or naval forces of the United States requiring dwelling accommodations for his dependent family;

(iv) The spouse of a person who served in the active military or naval forces of the United States on or after September 16, 1940, and who died in service, if the spouse is living with a child or children of the deceased;

(v) A citizen of the United States who served in the armed forces of an allied nation during World War II (and who has been discharged or released therefrom under conditions other than dishonorable) requiring dwelling accommodation for his dependent family;

(vi) A person to whom the War Shipping Administration has issued a certificate of continuous service in the United States Merchant Marine who requires dwelling accommodations for his dependent family; and

(vii) A citizen of the United States who, as a civilian, was interned or held a prisoner of war by an enemy nation at any time during World War II, requiring dwelling accommodations for his dependent family.

(2) "Maximum rent" means the total consideration paid by the tenant for the dwelling accommodations as approved under paragraph (k) of this section. This includes charges paid by the tenant for tenant services and charges paid by the tenant for garage space. However, it does not include charges for the rental of furniture or charges covering the actual cost on a pro rata basis for gas and electricity for the tenant's domestic purposes.

(3) "Maximum shelter rent" means the maximum rent, less charges for tenant services and garage space.

(4) "Person" means an individual, corporation, partnership, association, public organization, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing.

(5) "Public organization" means a governing body such as the United States Government, a State, county, city, town, village or other municipal government or an agency, instrumentality, or authority of such a governing body.

(6) "Educational institution" means a school, including a trade or vocational school, a college, a university or any similar institution of learning.

(7) "Dwelling" means separate living accommodations which are occupied, rented, or sold as a unit. This may be a detached house, semi-detached house, row house, an apartment whether in two-family or multiple-family housing accommodations, or a room or apartment in housing accommodations designed for occupancy by single persons. The term does not include any subsidiary residen-

tial structures, such as private garages, sheds, fences, and the like.

(8) "Project" means construction authorized on a single site, or contiguous sites except for streets, roads and alleyways.

(9) "Convert" means to provide an additional dwelling unit or units by repair, alteration, reconstruction, or otherwise.

(10) The time at which construction of housing accommodations shall be deemed to be "completed" shall be the date on which the dwelling is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant.

(11) "This section" means this Housing Permit Regulation, § 806.1 of the Code of Federal Regulations.

OTHER PROVISIONS

(r) *Advertisements.* The builder and every subsequent owner and their agents and brokers, must, as long as this section remains in effect, include a statement in substantially the following form in any advertisement printed or published in which housing accommodations built under paragraph (e) (1) (2) (3) or (6) of this section, and completed on or before June 30, 1947, are offered for sale or for rent:

Built under the Veterans' Emergency Housing Program. For sale (for rent at $_____). It is being offered for sale (for rent) only to veterans during construction and for 60 (30 in case of rent) days after completion (or for 60 days in case of subsequent sale or 30 days in case of subsequent rent).

(s) [Deleted June 30, 1947.]

(t) *Appeals.* Any person who considers that compliance with any provision of this section would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal shall be in the form of a letter in duplicate and should be filed with the appropriate local office of the Federal Housing Administration or the Federal Public Housing Authority. The letter must state clearly the specific provision of the section appealed from and the grounds for claiming an exceptional and unreasonable hardship.

(u) *Communications.* All communications concerning this section should be addressed to the appropriate local office of the Federal Housing Administration or the Federal Public Housing Authority.

(v) *Violations and enforcement*—(1) *General.* The veterans' preference, maximum rent and other requirements of this section shall not be evaded either directly or indirectly. It shall be unlawful for any person to effect, either as principal, broker, or agent, a rental of any dwelling at a rent in excess of the maximum rent applicable to such rental under the provisions of this section, or to solicit or attempt, offer, or agree to make any such rental. It shall also be unlawful for any such person to condition a rental of any dwelling upon the purchase of, or agreement to purchase, any commodity, service or property interest, except tenant services and garage space included in the approved maximum rent, the rental of furniture or an investment interest in the housing accommodations.

The restrictions in paragraphs (o) and (p) of this section apply to the builder and subsequent owners of all housing accommodations constructed in violation of VHP–1. However, this does not relieve the builder of any penalty to which he may be subject by reason of the violation of VHP–1.

(2) *Penalties.* Any person who willfully violates any provision of this section and any person who knowingly makes any statement to any department or agency of the United States, false in any material respect, or who willfully conceals a material fact, in any description or statement required to be filed under this section, shall upon conviction thereof be subject to fine or imprisonment, or both.

(w) *Records and reports.* All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or a person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The reporting and record-keeping requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(x) *Effective date.* This section as originally issued became effective December 24, 1946, and was amended from time to time thereafter. It is hereby amended effective June 30, 1947, simultaneously with the approval by the President of the Housing and Rent Act of 1947.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821, P. L. 129, 80th Cong.)

Issued this 30th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V SARCONE,
Authorizing Officer.

[F. R. Doc. 47-6705; Filed, July 14, 1947; 3:39 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[1947 Dept. Circ. 418, Amdt. 4]

PART 309—ISSUE AND SALE OF TREASURY BILLS

MISCELLANEOUS AMENDMENTS

JULY 3, 1947.

Sections 309.4 and 309.7 of the Department Circular No. 418, as amended (31 CFR Cum. Supp. 309.4 and 309.7), are hereby revised to read as follows:

§ 309.4 *Taxation.* The income derived from Treasury bills, whether interest or gain from the sale or other disposition of the bills, shall not have any exemption, as such; and loss from the sale or other disposition of Treasury bills shall not have any special treatment, as such, under the Internal Revenue Code, or laws amendatory or supplementary thereto. The bills shall be subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority. For purposes of taxation the amount of discount at which Treasury bills are originally sold by the United States shall be considered to be interest.[1]

§ 309.7 *Tenders; submission through Federal Reserve banks.* Tenders in response to any such public notice will be received only at the Federal Reserve Banks, or branches thereof, and unless received before the time fixed for closing will be disregarded. Tenders will not be received at the Treasury Department. Each tender must be for an amount in an even multiple of $1,000 (maturity value) In the case of competitive tenders the price or prices offered by the bidder for the amount or amounts (at maturity value) applied for must be stated, and must be expressed on the basis of 100, with not more than three decimals, e. g., 99.925. Fractions may not be used.

(R. S. 161, 40 Stat. 290, 46 Stat. 19, 775, 49 Stat. 20, 50 Stat. 482; 5 U. S. C. 22, 31 U. S. C. 738a, 754)

[SEAL] JOHN W SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-6640; Filed, July 15, 1947; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[Gen. Order 6, Amdt. 1]

PART 705—ADMINISTRATION

EXEMPTION FROM PRICE CONTROL OF CERTAIN SUGAR PRODUCTS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority conferred upon the Secretary of Agriculture by the Sugar Control Extension Act of 1947, General Order No. 6 is amended to read as follows:

§ 705.106. *Exemption from price control of certain sugars and sugar products.* Notwithstanding the provisions of any price regulation or order heretofore issued, the following products are exempt from price control:

(a) Corn sugar.
(b) Corn syrup solids.
(c) Corn syrup.

[1] This section is amended in order to conform to the language of Public Act No. 116 of the 80th Congress.

(d) Syrup blends containing 10% or more by weight or volume of corn syrup or corn sugar.

(e) Syrup blends containing 10% or more by weight or volume of maple syrup or maple sugar.

This amendment shall become effective July 15, 1947.

Issued this 14th day of July, 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Opinion Accompanying Amendment No. 1 to General Order No. 6

The accompanying amendment to General Order No. 6 adds to the list of sugar products exempt from price control the following: Corn sugar, corn syrup solids, corn syrup, and syrup blends which contain 10% or more by weight or volume of corn syrup or corn sugar, hereinafter referred to as corn syrup blends.

The action is taken as a supplement to the action taken on October 24, 1946, decontrolling most food items as supplemented by the action of June 6, 1947, decontrolling syrup blends containing 10% or more by weight or volume or maple syrup or maple sugar.

The wet corn milling industry through its advisory committee has recommended the decontrol of these corn products.

The Secretary of Agriculture has considered this recommendation and is of the opinion that it should be accepted for the following reasons:

(1) Recent changes in the cost of producing these products would require extensive studies to determine the amount and extent of necessary price adjustments, thereby creating administrative problems that far outweigh the advantages that would inure to the public from continued control during the remaining relatively short period for which there is statutory authority to retain such controls.

(2) Price control over these corn products has been retained up to the present time principally to implement the sugar control program. Corn syrup blends can be used to illustrate why continued controls over these products are no longer necessary to implement the sugar control program.

If price controls had not been retained on corn syrup blends, there was a possibility that sugar cane would have been diverted from the manufacture of sugar into unrationed cane syrups, for the production of corn syrup blends.

Statutory authority to impose price controls over sugar expires on October 31, 1947. Sugar cane for the production of sugar that can be marketed before October 31, 1947, has already been processed to such an extent that it would not be economical to use it for the production of cane syrups which in turn could be used for the manufacture of corn syrup blends. Thus, the removal of price control from corn syrup blends at the present time does not create a substantial threat that sugar cane will be diverted from the manufacture of sugar.

In view of the foregoing and the recent improvement in the general supply of sweetening agents, including wet corn milling products, there is no need for further price control over the corn products referred to above; therefore, they are removed from price control by the accompanying action.

[F. R. Doc. 47-6741; Filed, July 15, 1947; 10:59 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 21—INTERNATIONAL POSTAL SERVICE

GENERAL PROVISIONS POSTAL UNION (REGULAR) MAILS

In § 21.34a *Overcharges on international mail matter* (12 F. R. 1603) paragraph (a) is amended by deleting from the first sentence the words "provisions of the law cited in § 6.19" and substituting therefor the words "provisions of § 6.9"

(Sec. 2, 33 Stat. 1091, 39 U. S. C. 300)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-6625; Filed, July 15, 1947; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Order 272]

PART 50—ORGANIZATION AND PROCEDURE

SUBPART C—DELEGATIONS OF AUTHORITY

The following text is added to Part 50:

DELEGATIONS TO THE REGIONAL ADMINISTRATORS

JUNE 6, 1947.

§ 50.451 *Functions with respect to various statutes.*[1] (a) The Regional Administrators will be responsible for the performance in the regions of the following classes of matters in accordance with applicable regulations and procedures, without obtaining the approval of the Director, unless the Director in any particular matter determines otherwise, subject in any event to an appeal to the Director and the Secretary, according to the rules of practice (43 CFR, Part 221)

(1) Applications to lease public lands for grazing purposes under section 15 of the act of June 28, 1934 (48 Stat. 1275; 43 U. S. C. 315m), and the issuance, modification, renewal, assignment, or cancellation of such leases, and the disposition of protests and conflicting applications.

(2) [See footnote 1.]

(3) Applications to lease public lands for a home, cabin, camp, health, convalescent, recreational, or business site under the act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) and the issuance, assignment, modification, or cancellation of such leases.

(4) Applications to lease public lands in Alaska for fur farms under the act of July 3, 1926 (44 Stat. 821; 48 U. S. C. 360, 361), and the issuance, assignment, modification or cancellation of such leases.

(5) Applications to lease public lands in Alaska for grazing purposes under the act of March 4, 1927 (44 Stat. 1452; 48 U. S. C. 471, 471a–471c), and the issuance, assignment, modification or cancellation of such leases.

(6) [See footnote 1.]

(7) Approval of construction in advance of the issuance of a permit or easement in right-of-way cases, in accordance with 43 CFR, 244.10, 245.8, as amended.

(8) Applications to use public lands under right-of-way permits for tramroads under the act of January 21, 1895 (28 Stat. 635; 43 U. S. C. 956) and the issuance, assignment, modification or cancellation of such permits.

(9) Applications to use public lands under permits for rights-of-way under the act of February 15, 1901 (31 Stat. 790; 43 U. S. C. 959, 16 U. S. C. 79) and the issuance, assignment, modification or cancellation of such permits: *Provided, however,* That cancellation shall be only in the circumstances specifically prescribed in regulations of the Secretary. This authority shall not relate to applications or permits involving lands within national parks, Indian reservations, or any reservations of the United States for the use of or administered by the National Park Service, the Fish and Wildlife Service, or any agency outside the Department of the Interior.

(10) Applications to use public lands under right-of-way easements under the act of March 4, 1911 (36 Stat. 1235, 1253–54; 43 U. S. C. 961) and the issuance and assignment of such easements. This authority shall not relate to applications or permits involving lands within national parks, Indian reservations, any reservations of the United States for the use of or administered by the National Park Service, the Fish and Wildlife Service, or any agency outside the Department of the Interior, or to the revocation of any easements granted under the act of March 4, 1911, or to the modification of such easements without the consent of the persons to whom they have been issued.

(11) Approval of applications for rights-of-way and the issuance, modification and assignment of such easement, under the acts listed below: *Provided, however* That the authority hereunder shall not relate to applications involving lands within national parks, Indian reservations, or any reservations of the United States for the use of or administered by the National Park Service, the Fish and Wildlife Service, or any agency outside the Department of the Interior:

(i) Act of March 3, 1891 (26 Stat. 1101) as amended by the act of March 4, 1917 (39 Stat. 1197) act of March 1, 1921 (41 Stat. 1194) and the act of May 28, 1926 (44 Stat. 668; 43 U. S. C. 946 to 950), for right-of-way for canals, lat-

[1] The numbers of the subparagraphs and subdivisions in this section correspond with the numbers of the related subparagraphs and subdivisions in 43 CFR 4.275 (a) and (b). Where the text is not printed (as in paragraph (a) (2)) authority is not delegated by this section.

erals, and reservoir sites for irrigation and drainage purposes, including the right to materials for construction thereof, and permits or easements for caretaker's building sites on adjoining acreage.

(ii) Section 17 of the Federal Aid Highway Act of November 9, 1921 (42 Stat. 216; 23 U. S. C. 18), for right-of-way for highways and road building material sites.

(iii) Act of June 8, 1938 (52 Stat. 633) as amended (23 U. S. C. 10b), for right-of-way for road side and landscape development under Federal Aid Highway Act.

(iv) Act of November 19, 1941 (55 Stat. 767; 23 U. S. C., Sup. 108) for right-of-way for flight strips under the Federal Aid Highway Act.

(v) Approval of rights-of-way for railroad purposes under the act of March 18, 1875 (18 Stat. 482; 43 U. S. C. 934)

(vi) Approval of rights-of-way under section 28 of the act of February 25, 1920, as amended (41 Stat. 437, 449; 30 U. S. C. 185) and of modifications and partial or entire relinquishments of such rights-of-way.

(12)–(16) [See footnote 1.]

(17) Applications for oil and gas noncompetitive leases under section 17 of the act of February 25, 1920 (41 Stat. 443; 30 U. S. C. 226) as amended, the issuance of such leases, and consolidations, modifications, revocations, and cancellations thereof.

(18)–(23) [See footnote 1.]

(24) Applications for mineral spring leases under the act of March 3, 1925 (43 Stat. 1133; 43 U. S. C. 971) the issuance of such leases, and assignments, modifications and cancellations relating thereto.

(25) Approval of all bonds filed in connection with noncompetitive leases under section 17 of the act of February 25, 1920 (41 Stat. 443; 30 U. S. C. 226) as amended, and the termination of periods of liability under such bonds.

(26)–(27) [See footnote 1.]

(28) Approval of assignments of leases or royalty interests, of operating agreements and assignments of such agreements, and subleases, filed in connection with noncompetitive leases under section 17 of the act of February 25, 1920 (41 Stat. 443; 30 U. S. C. 226), as amended.

(29) Concellation of liability on contracts (including leases and permits) and bonds after the contract has been fully performed, or terminated by agreements of the parties, and the determination incident to the cancellation of such liability, in connection with matters under their administration.

(30) Extension of time in which to cut timber under timber patents on Oregon and California revested railroad grant and Coos Bay reconveyed wagon road grant lands, under the act of May 19, 1930 (46 Stat. 369)

(31) Termination of rights under timber patents under the act of June 9, 1916 (39 Stat. 218)

(32) Acceptance of surrender of part or entire leases and permits of all types under their administration.

(33) Elimination from leases and permits of all types under their administration of such lands which, having been previously disposed of, or having been subject to a withdrawal or reservation, were erroneously included.

(34) Applications for reservoir sites for water for livestock under the act of January 13, 1897 (29 Stat. 484) as amended by the act of March 3, 1923 (42 Stat. 1437; 43 U. S. C. 952 to 955)

(35) Issuance of special land use permits.

(36) Sales of isolated or rough and mountainous tracts under section 2455 of the Revised Statutes, as amended (48 Stat. 1269, 1274; 43 U. S. C. 1171) in accordance with existing policies.

(37)–(38) [See footnote 1.]

(39) Applications for permission to film motion or sound pictures with respect to areas under the jurisdiction of the Bureau of Land Management, in accordance with 43 CFR, Part 5.

(40)–(41) [See footnote 1.]

(42) Approval of any sale or contract for the sale of timber involving the disposal of an estimated stumpage volume of not to exceed 15,000,000 feet, board measure and the readjustment of stumpage rates under such contract under the act of April 12, 1926 (44 Stat. 242; 16 U. S. C. 616)

(43) Approval of any sale or contract for the sale of timber involving the disposal of an estimated stumpage volume of not to exceed 15,000,000 feet, board measure under the act of March 4, 1913 (37 Stat. 1015) as amended by the act of July 3, 1926 (44 Stat. 890; 16 U. S. C. 614, 615)

(44) Approval of any sale or contract for the sale of timber involving the disposal of an estimated stumpage volume of not to exceed 15,000,000 feet board measure and the readjustment of stumpage rates under such contract, under the act of August 28, 1937 (50 Stat. 874)

(45)–(47) [See footnote 1.]

(48) Applications and permits for the development of underground water in Nevada under 43 CFR, Part 234.

(49)–(55) [See footnote 1.]

(56) Waiver of the 160-rod restriction as to length of claims or restoration to entry and disposition of the reserved shore spaces in Alaska, under the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372)

(57) The execution, modification, rescinding, terminating and extending of contracts for the protection of the public domain, including the Oregon and California revested railroad grant and Coos Bay reconveyed wagon road grant lands from fire.

(b) The Regional Administrators may cause to be classified under section 7 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269, 1272) as amended by the act of June 26, 1936 (49 Stat. 1976, 43 U. S. C. 315f) or pursuant to other laws, land as being suitable for the following types of disposition, without obtaining the approval of the Director, unless the Director in any particular matter determines otherwise, subject in any event to an appeal to the Director according to the rules of practice, 43 CFR, Part 221.

(1) Under the homestead or the desert land laws.

(2) As an isolated or rough and mountainous tract under section 2455 of the Revised Statutes, as amended (48 Stat. 1269, 1274; 43 U. S. C. 1171)

(3) Under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a)

(4) [See footnote 1.]

(5) Indian allotments, with the concurrence of the Commissioner or Assistant Commissioner of Indian Affairs.

(6) [See footnote 1.]

(7) Under 43 CFR, Part 234, relating to the development of underground water in Nevada.

(8)–(11) [See footnote 1.]

(12) Under 43 CFR, Parts 253 and 254, for cemeteries.

(c) Except as expressly provided, this section does not authorize classification pursuant to section 7 of the Taylor Grazing Act or pursuant to any other act requiring classification of public lands. In the event of any disagreement or difference of views with respect to any matter listed in this section between the Regional Administrator and any other bureau or office of this Department, the matter shall be presented by the Regional Administrator to the Director and by the Director to the Secretary for determination and approval. All general rules, regulations, circulars and instructions must be submitted to the Director and approved by the Secretary. Any matter affecting power shall be cleared through the Division of Power.

(d) Where there is no district land office in a state, the Regional Administrator will be charged with all of the responsibilities and will exercise all of the functions of the manager of a district land office.

DELEGATIONS TO THE MANAGERS

§ 50.501 *Functions with respect to various statutes.*[2] (a) The Managers may act in relation to the following classes of matters in accordance with applicable regulations and procedures, without obtaining the approval of the Director or the Regional Administrators, unless the Director in any particular matter determines otherwise, subject in any event to an appeal to the Director and from his decision to the Secretary, in accordance with the rules of practice (43 CFR, Part 221)

(1) Applications to lease public lands for grazing purposes under section 15 of the act of June 28, 1934 (48 Stat. 1275; 43 U. S. C. 315m), and the issuance, modification, renewal, assignment, or cancellation of such leases, and the disposition of protests and conflicting applications.

(2) [See footnote 2.]

(3) Applications to lease public lands for a home, cabin, camp, health, convalescent, or recreational site under the act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), and the issuance, assignment, modification, or cancellation of such leases.

[2] The numbers of the subparagraphs in this section correspond with the numbers of the related subparagraphs in 43 CFR 4.275 (a). Where the text is not printed (as in paragraph (a) (2)) authority is not delegated by this section.

(4) Applications to lease public lands in Alaska for fur farms under the act of July 3, 1926 (44 Stat. 821; 48 U. S. C. 360, 361) and the issuance, assignment, modification or cancellation of such leases.

(5) Applications to lease public lands in Alaska for grazing purposes under the act of March 4, 1927 (44 Stat. 1452; 48 U. S. C. 471, 471a–471c, and the issuance, assignment, modification or cancellation of such leases.

(6) [See footnote 2.]

(7) Approval of construction in advance of the issuance of a permit or easement in right-of-way cases, in accordance with 43 CFR, 244.10, 245.8, as amended.

(8) Applications to use public lands under right-of-way permits for tramroads under the act of January 21, 1895 (28 Stat. 635; 43 U. S. C. 956) and the issuance, assignment, modification or cancellation of such permits.

(9) Applications to use public lands under permits for rights-of-way under the act of February 15, 1901 (31 Stat. 790; 43 U. S. C. 959, 16 U. S. C. 79) and the issuance, assignment, modification or cancellation of such permits: *Provided, however* That cancellation shall be only in the circumstances specifically prescribed in regulations of the Secretary. This authority shall not relate to applications or permits involving lands within national parks, Indian reservations, or any reservations of the United States for the use of or administered by the National Park Service, the Fish and Wildlife Service, or any agency outside the Department of the Interior.

(10) Applications to use public lands under right-of-way easements under the act of March 4, 1911 (36 Stat. 1235, 1253–54; 43 U. S. C. 961) and the issuance and assignment of such easements. This authority shall not relate to applications or permits involving lands within national parks, Indian reservations, any reservations of the United States for the use of or administered by the National Park Service, the Fish and Wildlife Service, or any agency outside the Department of the Interior, or to the revocation of any easements granted under the act of March 4, 1911, or to the modification of such easements without the consent of the persons to whom they have been issued.

(11) Approval of applications for rights-of-way and the issuance, modification and assignment of such easement, under the acts listed below: *Provided,* however, That the authority hereunder shall not relate to applications involving lands within national parks, Indian reservations, or any reservations of the United States for the use of or administered by the National Park Service, the Fish and Wildlife Service, or any agency outside the Department of the Interior:

(i) Act of March 3, 1891 (26 Stat. 1101) as amended by the act of March 4, 1917 (39 Stat. 1197) act of March 1, 1921 (41 Stat. 1194) and the act of May 28, 1926 (44 Stat. 668; 43 U. S. C. 946–950) for right-of-way for canals, laterals, and reservoir sites for irrigation and drainage purposes, including the right to materials for construction thereof, and permits or easements for caretaker's building sites on adjoining acreage.

(ii) Section 17 of the Federal Aid Highway Act of November 9, 1921 (42 Stat. 216; 23 U. S. C. 18), for right-of-way for highways and road building material sites.

(iii) Act of June 8, 1938 (52 Stat. 633), as amended (23 U. S. C. 10b), for right-of-way for road-side and landscape development under Federal Aid Highway Act.

(iv) Act of November 19, 1941 (55 Stat. 767; 23 U. S. C., Sup. 108) for right-of-way for flight strips under the Federal Aid Highway Act.

(v) Approval of rights-of-way for railroad purposes under the act of March 18, 1875 (18 Stat. 482; 43 U. S. C. 934).

(vi) Approval of rights-of-way under section 28 of the act of February 25, 1920, as amended (41 Stat. 437, 449; 30 U. S. C. 185) and of modifications and partial or entire relinquishments of such rights-of-way.

(12)–(16) [See footnote 2.]

(17) Applications for oil and gas noncompetitive leases under section 17 of the act of February 25, 1920 (41 Stat. 443; 30 U. S. C. 226) as amended, the issuance of such leases, and consolidations, modifications, revocations, and cancellations thereof.

(18)–(23) [See footnote 2.]

(24) Applications for mineral spring leases under the act of March 3, 1925 (43 Stat. 1133; 43 U. S. C. 971), the issuance of such leases, and assignments, modifications and cancellations relating thereto.

(25) Approval of all bonds filed in connection with noncompetitive leases under section 17 of the act of February 25, 1920 (41 Stat. 443; 30 U. S. C. 226) as amended, and the termination of periods of liability under such bonds.

(26)–(27) [See footnote 2.]

(28) Approval of assignments of leases or royalty interests, of operating agreements and assignments of such agreements, and subleases, filed in connection with noncompetitive leases under section 17 of the act of February 25, 1920 (41 Stat. 443; 30 U. S. C. 226) as amended.

(29) Cancellation of liability on contracts (including leases and permits) and bonds after the contract has been fully performed, or terminated by agreements of the parties, and the determination incident to the cancellation of such liability, in connection with matters under their administration.

(30)–(31) [See footnote 2.]

(32) Acceptance of surrender of part or entire leases and permits of all types under their administration.

(33) Elimination from leases and permits of all types under their administration of such lands which, having been previously disposed of, or having been subject to a withdrawal or reservation, were erroneously included.

(34) Applications for reservoir sites for water for livestock under the act of January 13, 1897 (29 Stat. 484) as amended by the act of March 3, 1923 (42 Stat. 1437; 43 U. S. C. 952–955).

(35) Issuance of special land use permits.

(36) Sales of isolated or rough and mountainous tracts under section 2455 of the Revised Statutes, as amended (48 Stat. 1269, 1274; 43 U. S. C. 1171), in accordance with existing policies.

(37)–(47) [See footnote 2.]

(48) Applications and permits for the development of underground water in Nevada under 43 CFR, Part 234.

(b) Except as expressly provided, this section does not authorize classification pursuant to section 7 of the Taylor Grazing Act or pursuant to any other act requiring classification of public lands. (43 CFR 4.275).

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-6631; Filed, July 15, 1947; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 68, Amdt. 15]

PART 95—CAR SERVICE

SUSPENSION OF FOLLOW-LOT RULE AND TWO-FOR-ONE RULE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 9th day of July A. D. 1947.

Upon further consideration of the provisions of Service Order No. 68 (8 F. R. 8513, as amended (8 F. R. 8513, 14224, 16265; 9 F. R. 7206, 14306; 10 F. R. 6040, 8142, 9720, 12090; 11 F. R. 562, 6983; 12 F. R. 46, 3837) and good cause appearing therefor; it is ordered, that:

Section 95.15 *Suspension of follow-lot rule and two-for-one rule,* of Service Order No. 68, as amended, be, and it is hereby, further amended by substituting the following paragraph (b) for paragraph (b) thereof:

(b) *Exemptions.* This section shall not apply (1) to shipments of livestock, (2) to shipments of any commodity on flat cars, when the car furnished and used is longer than that ordered by the shipper, and (3) paragraphs 1, 2, and 3 of the original order shall not apply to shipments of import freight loaded by carriers.

It is further ordered, that each railroad, or its agent, shall file and post a supplement to each of its tariffs affected hereby, publishing the provisions of this amendment.

It is further ordered, that this amendment shall become effective at 12:01 a. m., July 20, 1947; that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it

with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W P BARTEL, *Secretary.*

[F. R. Doc. 47-6636; Filed, July 15, 1947; 8:47 a. m.]

[4th Rev. S. O. 180, Corr. to Amdt. 14]

PART 95—CAR SERVICE

DEMURRAGE ON REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of Fourth Revised Service Order No. 180 (10 F. R. 14970) as amended (11 F. R. 1627, 1991, 3605, 4038, 6983, 9453, 10092, 11707, 12395, 12 F R. 1421, 3032, 3672) and good cause appearing therefor: *It is ordered,* That:

Fourth Revised Service Order No. 180, (49 CFR § 95.330) as amended, be, and it is hereby, further amended by substituting the following paragraphs (a) and (e) for paragraphs (a) and (e) thereof during the effectiveness of this amendment and order.

(a) *Demurrage charges on refrigerator cars.* (1) After the expiration of the free time lawfully provided by tariffs (subject to modification by service orders), on a refrigerator car held for orders, bill of lading, payment of freight charges, reconsignment, diversion, reshipment, inspection, forwarding directions, loading or unloading, the demurrage charges shown in subparagraph (2) of this paragraph shall be applicable in lieu of tariff charges.

(2) Demurrage charges shall be $2.20 per car per day or a fraction thereof for the first and second day; $5.50 per car per day or a fraction thereof for the third and fourth day; and $11.00 per car per day or a fraction thereof for each succeeding day.

* * * * *

(e) *Expiration date.* This amendment and this order shall expire at 7:00 a. m., October 1, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That this amendment and this order shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W P BARTEL, *Secretary.*

[F. R. Doc. 47-6637; Filed, July 15, 1947; 8:48 a. m.]

[Rev. S. O. 188, Corr. to Admt. 12]

PART 95—CAR SERVICE

REFRIGERATOR CAR DEMURRAGE ON STATE BELT RAILROAD OF CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of Revised Service Order No. 188 (10 F. R. 15175) as amended (11 F. R. 1626, 1992, 3605, 4038, 7043, 9453, 10092; 12 F R. 1420, 3033, 3672, 3673) and good cause appearing therefor; *It is ordered,* That:

Revised Service Order No. 188 (49 CFR 95.334) as amended, be, and it is hereby, further amended by substituting the following paragraphs (a) and (d) for paragraphs (a) and (d) thereof during the effectiveness of this amendment and order:

(a) *Demurrage charges to be applied on refrigerator cars engaged in intraterminal transportation.* (1) The State Belt Railroad of California shall apply the demurrage charges shown in subparagraph (2) of this paragraph to any refrigerator car used for transporting any commodity to, from, or between industries, plants, or piers located at points or places named in Districts A and/or B as described in Item No. 15 of Tariff I. C. C. No. 5 of the State Belt Railroad operated by the State of California.

(2) After the expiration of forty-eight (48) hours free time after a refrigerator car is first placed for loading and until shipping instructions covering such car are tendered to said carrier's agent and/or after forty-eight (48) hours free time after a refrigerator car is first placed for unloading and until such car is unloaded and released, the demurrage charges shall be $2.20 per car per day or fraction thereof for the first and second day; $5.50 per car per day or fraction thereof for the third and fourth days; and $11.00 per car per day or fraction thereof for each succeeding day.

NOTE: After a refrigerator car is loaded and released for movement by the tender of shipping instructions to said carrier's agent, if the car is not actually placed for unloading for any reason within forty-eight (48) hours after such car is released for movement, but is held by the carrier short of place of delivery for unloading, such car will be considered as constructively placed at the expiration of the said forty-eight (48) hours and demurrage time shall be computed from the expiration of the said forty-eight (48) hours until said car is unloaded and released.

* * * * *

(d) *Expiration date.* This amendment and this order shall expire at 7:00 a. m., October 1, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment and this order shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon the California State Railroad Commission and upon the State Belt Railroad of California; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W P BARTEL, *Secretary.*

[F. R. Doc. 47-6638; Filed, July 15, 1947; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 802]

FAIR AND REASONABLE SUGARCANE WAGE RATES IN LOUISIANA

NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsection (b) and (d) of section 301 and section 511 of the Sugar Act of 1937 (Public, No. 414, 75th Congress) as amended, notice is hereby given that a public hearing will be held at New Iberia, Louisiana, in the Court Room of the New Court House, on July 26, 1947, at 9:30 a. m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary in determining (1) pursuant to the provisions of section 301 (b) of the said act; fair and reasonable wages for persons employed in the harvesting of sugarcane during the period from September 1, 1947, to June 30, 1948, and the planting and cultivating of sugarcane during the calendar year 1948 on farms with respect to which applications for payments under the said act are made, and (2) pursuant to the provisions of section 301 (d) of the said act, fair and reasonable prices for the 1947 crop of sugarcane to be paid, under either purchase or toll agreements, by processors who as producers apply for payments under the said act; and to receive evi-

dence likely to be of assistance to the Secretary in making recommendations, pursuant to the provisions of section 511 of the said act, with respect to the terms and conditions of contracts between producers and processors of sugarcane and with respect to the terms and conditions of contracts between laborers and producers of sugarcane.

This hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

George A. Dice, C. R. Oviatt, W. S. Stevenson, and F T. Gradoville are hereby designated as presiding officers to conduct, either jointly or severally, the foregoing hearing.

Issued this 14th day of July 1947.

[SEAL] CLINTON P ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-6695; Filed, July 15, 1947; 9:36 a. m.]

[7 CFR, Part 913]

[Docket No. AO-23-A7]

HANDLING OF MILK IN GREATER KANSAS CITY MARKETING AREA

NOTICE OF HEARING ON PROPOSED RULE MAKING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737; 12 F R. 1159) a notice is hereby given of a public hearing to be held in the District Court Room, Federal Building at Kansas City, Missouri, beginning at 10 a. m., c. s. t., July 21, 1947, with respect to proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic or marketing conditions which relate to the provisions of the proposed amendments to the marketing agreement and to the order, as amended, or to any modifications thereof, which are hereinafter set forth.

The Pure Milk Producers Association of Greater Kansas City and the Bates County Milk Producers Association have proposed the following amendments:

1. Delete § 913.4 (g) (2) and substitute therefor the following:

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (f) (6) of this section, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Class III for such handler by an amount equal to the difference between receipts of milk from producers and the total utilization of milk by classes for such handler.

2. Delete § 913.5 (a) (1) and substitute therefor the following:

(1) *Class I milk prices.* The price per hundredweight to be paid by each handler for milk classified as Class I milk shall be the basic formula price determined pursuant to paragraph (b) of this section plus the following amounts for the delivery periods indicated.

Delivery Period	
May and June	$0.75
April, July, and August	.90
September, October, November, December, January, February, and March	1.20

Provided, That for the months of September 1947 through March 1948 the price for Class I milk shall not be less than $4.96. *And provided further,* That the Class I prices for April 1948 shall not be less than the March 1948 Class I prices minus 46 cents, and that the May 1948 Class I prices shall not be less than April Class I prices minus 46 cents.

3. Delete § 913.5 (a) (2) and substitute therefor the following:

(2) *Class II milk prices.* The price per hundredweight for milk classified as Class II milk shall be the basic formula price determined pursuant to paragraph (b) of this section plus the following amounts for the delivery periods indicated.

Delivery Period	*Cents*
May and June	50
April, July, and August	65
September, October, November, December, January, February and March	95

Provided, That for the months of September 1947 through March 1948 the price for Class II milk shall not be less than $4.71. *And provided further,* That the Class II prices for April 1948 shall not be less than the March 1948 Class II price minus 46 cents and the May Class II prices shall not be less than the April Class II prices minus 46 cents.

4. Delete § 913.5 (a) (3) and substitute therefor the following:

(3) The minimum price per hundredweight on a 3.8 percent butterfat content basis to be paid by each handler for milk classified as Class III milk, shall be the price as determined pursuant to the butter-skim milk powder formula in § 913.5 (b) of the present order.

5. Add as § 913.5 (a) (4) the following:

(4) Whenever the Secretary finds and announces that the Class I and Class II prices computed for any delivery period pursuant to (a) of this section are not in the public interest, and Class I and Class II prices for such delivery period shall be the same as the Class I and Class II for the previous delivery period.

6. Delete § 913.5 (c) and substitute therefor the following:

(c) *Butterfat differential.* If any handler has purchased or received milk from producers containing more or less than 3.8 percent butterfat, such handler shall add or deduct, per hundredweight of milk, for each one-tenth of one percent butterfat above or below 3.8 percent, an amount computed as follows: To the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which the milk was received, add 20 percent and divide the result obtained by 10.

7. Change the wording of such other sections as may be required to make the order conform with the foregoing proposals.

The Meyer Sanitary Milk Company of Kansas City, Kansas, and the Kansas City Milk Distributors Association (consisting of Chapman Dairy Co., Borden's Milk & Ice Cream Co., Country Club Dairy Co., Aines Farm Dairy Co. and Adams Dairy Co.) have proposed the following amendments:

1. Amend § 913.5 (b) by deleting the comma following the figures "3.8" in the first line following the itemized list of plants and places and inserting in lieu thereof a period, and by deleting the words immediately following: "But in no event shall such basic formula price to be used be less than the following:" and inserting in lieu thereof the following: "If any of the plants aforesaid shall become subject to a Federal marketing order with respect to prices paid to producers, or if the basic formula price determined as aforesaid drops below the basic formula price hereinafter set forth, then the basic formula price to be used in determining Class I and Class II prices shall be as follows:

2. Amend § 913.5 (c) by deleting the following words appearing at the end of said subsection: "Equal to the Class III price for such delivery period divided by 38." and inserting in lieu thereof the following: "Computed as follows: Add 4¢ to the average price of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which milk was received, and divide the resulting sum of 10."

3. Amend § 913.7 (a) by adding the following paragraph:

(6) If any handler during the delivery periods of May, June and July disposes of Class III milk in the form of butterfat for churning because of inability to dispose or said milk at Class III prices or higher, the market administrator shall credit such handler's obligation to the pool with the difference between the current market price for such butterfat and Class III price, plus 10¢ per hundredweight for handling and less any amount received for skim from such milk.

Copies of this notice of hearing may be procured from Mr. M. M. Morehouse, Market Administrator, 510 Porter Building, 406 W. 34th Street, Kansas City 2, Missouri, or from the Hearing Clerk, United States Department of Agriculture,

Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: July 11, 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 47-6652; Filed, July 15, 1947; 8:46 a. m.]

[7 CFR, Part 930]

[Docket No. AO-72-A9]

HANDLING OF MILK IN TOLEDO, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED RULE MAKING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure (7 CFR, Cum. Supps. 901 et seq., 11 F. R. 7737, 12 F. R. 1159) as amended, notice is hereby given of a hearing to be held at the Staff Meeting Room, 2nd Floor, Toledo Public Library, 325 Michigan Street, Toledo, Ohio, beginning at 10:00 a. m., e. s. t., July 24, 1947, for the purpose of receiving evidence with respect to proposed amendments to the tentatively approved marketing agreement and order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area (12 F. R. 2067) These proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

By the Dairy Branch, Production and Marketing Administration:

1. Delete from § 930.1 (1) the words "other than cottage cheese."

By The Northwestern Cooperative Sales Association, Inc..

2. Insert in § 930.4 (b) (2) the word "or" between the words "cream" and "eggnog" and delete the words "or creamed cottage cheese."

3. Add to § 930.5 (a) (1) the following proviso: *Provided,* That in no case shall the Class I price for August, 1947, drop below $4.35 or the Class I price for September, October, November and December, 1947, and January, February, and March, 1948, drop below $4.75 for 3.5% milk. The formula prices provided for in this section shall be disregarded only in the event the prices determined under them are less than the above prices proposed for the above named months.

By the Dairy Branch, Production and Marketing Administration:

4. Make such other changes as may be required to make the entire tentatively approved marketing agreement and the marketing order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the tentatively approved marketing agreement and the marketing order, as amended, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: July 11, 1947.

F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 47-6653; Filed, July 15, 1947; 8:46 a. m.]

[7 CFR Part 941]

HANDLING OF MILK IN CHICAGO, ILL., MARKETING AREA

RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Supps., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737; 12 F. R. 1159) notice is hereby given of the filing with the Hearing Clerk of a recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the order, as amended, and to a proposed marketing agreement, regulating the handling of milk in the Chicago, Illinois, milk marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.)

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 12th day after the publication of this recommended decision in the FEDERAL REGISTER.

Preliminary statement. A public hearing, on the record of which the proposed amendments to the order, as amended, and the proposed marketing agreement were formulated was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of proposed amendments filed by the Pure Milk Association. Additional proposals for consideration were submitted by several other producer cooperatives, the Associated Milk Dealers, Inc., the Beatrice Foods Company, the Ice Cream Manufacturers' Association of Cook County, and the Dairy Branch, Production and Marketing Administration. The public hearing was held at Chicago, Illinois, on March 5-8 and 10-12, 1947, inclusive, upon notice issued on February 24, 1947 (12 F. R. 1394)

The material issues presented on the record of the hearing were whether:

1. The "handler" definition should be revised to provide that it shall not apply to any person selling a larger percentage of his Class I milk as a handler under a marketing agreement or order effective in another fluid milk marketing area (H. N. proposal No. 2),

2. The defined area known as "surplus milk manufacturing area" should be expanded (H. N. proposal No. 4),

3. All frozen cream, other cream frozen, plastic cream, and similar cream products disposed of beyond the limits of the surplus milk manufacturing area should be classified as Class II milk (H. N. proposal No. 3),

4. The accounting for milk and cream transferred from approved to unapproved plants should be on a daily basis (H. N. proposal No. 5),

5. Flavored milk, flavored milk drinks, and buttermilk should be reclassified from Class I milk to Class II milk (H. N. proposal No. 8),

6. The maximum amount of plant shrinkage allowed as Class IV milk should be increased (H. N. proposals No. 9 and 10),

7. The price structure for Class I milk and Class II milk should be revised as to level and seasonality (H. N. proposals No. 11, 13, 16, and 20)

8. The basic formula price provisions should be revised as to the (i) "evaporated-pay-price" formula, (ii) "butter-nonfat dry milk solids" formula (revision of the butter-nonfat dry milk solids formula therein would affect also the level of the Class IV milk price), and (iii) application of the alternate formulas set forth therein (H. N. proposals No. 12, 13, 15, and 16)

9. The plant location adjustment credits to handlers applicable to (i) fluid milk, fluid skim milk, and certain Class I milk, and (ii) Class II milk should be increased (H. N. proposals No. 14 and 17),

10. The butterfat differential applicable to producer milk testing above or below 3.5 percent of butterfat should be revised (H. N. proposal No. 18),

11. A change should be made in the level and method of determining the prices to be paid for Class I milk disposed of in markets outside the marketing area (H. N. proposal No. 19),

12. The price formula for Class II milk should include a storage allowance for frozen cream stored (H. N. proposal No. 20),

13. The "approved plant" definition should be revised and whether there should be included new provisions (i) establishing additional requirements for plant desiring to participate in the "market-wide pool," and (ii) providing for the suspension as a "pool plant" of any plant not meeting such requirements (H. N. proposals Nos. 1 and 21),

14. The pool treatment of the classified value of frozen cream, based on the inventory character of this product, should be revised for the purpose of implementing a wider seasonal variation in producer prices (H. N. proposal No. 23),

15. The location adjustments applicable to the announced uniform "70 mile zone" price to producers should be changed (H. N. proposal No. 24), and

16. Several revisions of language should be made to obtain further clarity and to simplify administrative problems with respect to:

(i) The determination of tests of chocolate milk drinks (H. N. proposal No. 6);

(ii) Precision of language in pool computation provisions (H. N. proposal No. 7)

(iii) Classification of butterfat remaining in skim milk separated (H. N. proposal No. 22)

(iv) Assessments for expenses of administration (H. N. proposals No. 25 and 26) and

(v) Assessments for marketing services (H. N. proposal No. 27)

Findings and conclusions. The proposed findings and conclusions with respect to the issues presented at the hearing, together with the reasons therefor, are as follows:

(1) The proposed addition of language to the definition of "handler" to exclude "any person who sells a larger percentage of Class I milk handled by him in a marketing area under any other milk marketing agreement or order issued under the act where such person is a handler subject to such other milk marketing agreement or order" should not be adopted at this time.

The primary purpose of this proposal is to change the basis of determining under which order a handler is subject to regulation in case Class I milk is sold in both the Chicago marketing area under Order 41 and the Suburban Chicago marketing area under Order 69. Under the current provisions of these orders a handler becomes subject to regulation under Order 41 when any of his Class I milk is sold in the Chicago marketing area even though a larger percentage of his Class I milk may be sold in the Suburban Chicago (or other) marketing area.

The proposal would make it possible for some handlers to shift constantly from one order to another in different delivery periods depending on seasonal advantages. Such shifting would not be conducive to the orderly marketing of milk in the Chicago marketing area and might provide some undue competitive advantages to these handlers. The proposal also could prevent beneficial transfers of milk between regulated markets if the transferring handler preferred to retain status under one order but the transfer resulted in the loss of that status. The question and problems raised by this proposal are closely related also to the proper phrasing and content of other provisions of each of the orders, such as the type of pool, the limits of the marketing area, and other definitions. These matters were not fully considered at this hearing, and there is a consequent lack of adequate evidence in solution of the various problems which would result from the adoption of this proposal. In addition, application of the particular proposal offered would be administratively burdensome.

(2) The "surplus milk manufacturing area" should be expanded to include the counties of Stark, Marshall, Woodford, Livingston, Ford, and Iroquois, in the State of Illinois, the counties of Benton, White, Cass, Miami, Howard, Carroll, Tippecanoe, Tipton, Clinton, Fountain, Warren, Parke, Vermilion, Vigo, and Sullivan, in the State of Indiana, and the county of Van Wert, in the State of Ohio.

Plant facilities operated by or readily available to handlers exist in these counties for the disposal of surplus milk from the Chicago marketing area. The inclusion of these counties will facilitate the handling of such surplus milk.

(3) The classification provisions should be revised to specify the final classification as Class II milk of frozen cream, other cream frozen, plastic cream and any similar cream product disposed of outside the surplus milk manufacturing area.

The surplus milk manufacturing area has been defined broadly enough to furnish under present conditions adequate facilities for the disposal for manufacturing purposes of frozen cream, other cream frozen, plastic cream, and any similar cream product in surplus supply. Therefore, it is reasonable to assume that when such items are moved outside such surplus milk manufacturing area they will be employed in their customary uses as ice cream or as other milk products defined as Class II milk under the Chicago order.

This will provide a uniform method of verifying and classifying all Class I and Class II milk items moved beyond the limits of the surplus milk manufacturing area and readily susceptible of reuse in the form of other milk products.

(4) The classification provisions covering fluid milk or fluid cream transferred from approved plants to unapproved plants located within the "surplus milk manufacturing area" should be amended so as to be more specific in regard to the types of supporting records and to the allocation plan to be followed in classifying such approved fluid milk or fluid cream.

Fluid milk and fluid cream are transferred from approved plants to unapproved plants in the "surplus milk manufacturing area." It has been the practice of the market administrator to accept daily utilization records in support of claimed classification of milk at such unapproved plants. It was proposed that this established market practice be formalized and no objections were raised thereto. It is recommended that this proposal be adopted.

In some unapproved plants approved fluid milk or fluid cream is segregated from receipts of unapproved sources. In other unapproved plants approved fluid milk or fluid cream is commingled with receipts from other sources. Classification problems are more complicated where approved milk is commingled with unapproved receipts. In the classification of approved fluid milk or fluid cream which is commingled with unapproved receipts in a plant having diversified uses it is necessary to allocate the use of such approved milk and cream since its specific utilization cannot be shown.

In most instances the quality of Chicago fluid milk is higher than that of unapproved milk. Fluid milk from approved plants is frequently used for selected manufacturing purposes in preference to that of unapproved sources. Unapproved, or "Grade B," milk is disposed of from unapproved plants in many different forms, including fluid milk and fluid cream, to markets not requiring milk of approved Chicago quality. Unapproved plants may engage for part of the month in the processing of a milk product such as evaporated milk or in the sale of fluid milk and fluid cream, while for the remainder of the month it may engage in the manufacture of other milk products such as butter and nonfat dry milk solids.

Under the recommended provision approved Chicago fluid milk received at the plant which commingles milk would be allocated first to the highest valued manufacturing use (Class III milk) then to the other manufacturing uses (Class IV milk) followed by use as Class II milk and Class I milk, respectively. Because of the relative importance of butterfat in cream, the allocation of approved fluid cream would be first to Class IV milk then to Class III milk, Class II milk, and Class I milk, in that sequence. Also approved fluid milk and fluid cream should not take precedence over unapproved or Grade B milk where the latter type of milk is disposed of for outside markets from such plants in the form of fluid milk or fluid cream. If monthly utilization records only are made available, approved fluid milk or fluid cream would be allocated in sequence beginning with Class I milk and Class II milk, respectively, to prevent approved fluid milk and fluid cream being reported in classes of lower value than the actual class of disposition, which would result in decreased returns to all producers. This is deemed necessary to protect the classification of producer milk.

(5) Flavored milk, flavored milk drinks, and buttermilk should not be moved from Class I milk to Class II milk.

The classification of these products was changed from Class II milk to Class I milk by an amendment to the order effective September 1, 1946. In support of the proposal to change the classification of these products from Class I milk to Class II milk, it was claimed (i) that sales of these items decreased during the 4 months following reclassification to Class I milk as compared with the same period in 1945 and if continued producers' returns might thereby be reduced, and (ii) that the cost of flavoring ingredients has increased.

To be sold in the main segments of the Chicago marketing area these milk drinks must be made from inspected milk. They are disposed of in fluid form through the same retail and wholesale channels as bottled fluid milk and are used principally as a beverage. The physical characteristics, purposes, values, and uses of these items are more nearly similar to those of fluid milk than of items covered by the definition of Class II milk.

It was not shown that the decrease in sales following the amendment of September 1, 1946, was due to the reclassification of these products, since the trend had already started prior to reclassification and a general retail price increase embracing many other factors took place during the same period. Under the circumstances shown a decrease in sales of these products is not in itself an adequate reason for the reclassification proposed. The alleged cost increase of flavored ingredients (no specific information of these increased costs was

shown) might be an element to be considered by the handler in the establishment of his margin but should not be charged against the price to the producer.

(6) The plant shrinkage provisions (§ 941.4 (b) (4) (iii) and § 941.4 (e) (6) (vi)) should be revised only relative to shrinkage on transfers of milk to unapproved plants by deleting the references to unapproved plants.

Proposals made were designed to (i) increase the overall plant shrinkage allowance in Class IV milk and (ii) alter the application of the plant shrinkage provisions to milk transferred to unapproved plants. It was proposed that the shrinkage allowance on butterfat received at an approved plant in the form of bulk fluid milk, bulk fluid skim milk, or bulk fluid cream be increased from 1½ to 2 percent. Also, a second handler would be allowed a maximum of 2 percent butterfat shrinkage in Class IV milk in addition to the shrinkage allowed in Class IV milk to the first handler. These allowances would be in addition to the ½ percent allowance under the present order on butterfat in milk received directly from producers. In suport of the increase, it was pointed out that shrinkage may be enhanced by errors in butterfat testing or by the techniques used in such testing. Under the proposal, a maximum allowance in Class IV milk of 4.5 percent of butterfat shrinkage would be possible, if milk were handled by two or more handlers. A second proposal would revise language with respect to transfers of approved milk to unapproved plants to allow shrinkage in Class IV milk on such transfers.

The average plant shrinkage of butterfat, expressed as a percent of total butterfat pounds in producer receipts plus butterfat overrun (including that portion classified in Class I milk as "excess" shrinkage or "unaccounted for milk"), averaged 1.75 percent in 1943, 1.91 percent in 1944, 2.03 percent in 1945, and 2.18 percent in the first 8 months of 1946. Shrinkage for a system of plants operated by a single handler is computed as a net amount after accounting for utilization at all such plants. In light of these shrinkage percentages and the inequities inherent in the first stated proposal, which would permit a greater shrinkage on milk moved from the plant of one handler to the plant of another handler as compared with interplant movements within a system operated by a single handler, such proposal should not be adopted. However, in many instances it is very difficult to ascertain whether milk has been sold to an unapproved plant. Therefore, to simplify the accounting for the shrinkage with respect to milk moved to unapproved plants, the second proposal should be adopted.

(7) The price differentials above the basic price for Class I and Class II milk should be revised to provide for (i) a wider seasonal variation in the uniform price to be paid to producers and (ii) an increase in the average level of price differentials above the basic price for Class I and Class II milk.

Under the present pricing provisions of the order, the Class I differential is 70 cents per hundredweight of milk, except during May and June when it is 50 cents. The Class II differential is 32 cents, except during May and June when it is 20 cents for such milk as is used for frozen cream. During the war years, the seasonal decline in the Class I differential for May and June was suspended but became effective again in 1947.

Three proposals were made to change the differentials for Class I and Class II milk. The first proposal provided for an increase in the average level of such differentials and a substantial increase in their seasonal variation, emphasizing both the shortage and surplus aspects of the problems of seasonal production. The second proposal limited the problem to the surplus aspects and favored a slight decline in the average level of such differentials. The third proposal provided for no change from the present order except that the seasonal decline in the Class I differential for May and June be eliminated.

The seasonal pattern of production is significantly different than is the pattern of demand for Class I and Class II milk, and during recent years the problems associated with these differences have become more acute than formerly. For the market as a whole, the average production per producer in 1940 was 42 percent greater during the month of peak production than during the month of low production; in 1946, it was 53 percent greater, which was the highest variation during the 1940–46 period. The seasonal variation in production is much more pronounced in the far-out zones than in the close-in zones, with the intermediate zones showing an intermediate seasonal variation. In 1946, for example, Zones 1 and 2 produced 42 percent more milk per farm per day in the high month than in the low month, as compared with 54 percent for Zones 3 to 5, 70 percent for Zones 6 to 10, and 100 percent for Zones 11 to 21. In contrast, the market demand for Class I milk is relatively uniform throughout the year with the greatest strength generally exhibited during the autumn months. The demand for Class II milk, excluding the freezing and storing aspects of cream, is less uniform than for Class I, but is nevertheless much more uniform than the production of milk. One important feature of the seasonal problem in Class II milk is the freezing of cream during the months of peak production and its use during the months of lowest milk production. Frozen cream appears to be used principally in the manufacture of ice cream and its related products; it represents, therefore, at least a partial solution to the problem of bringing the supply and demand for milk into a better balance seasonally.

Beyond the relief obtained by freezing and storing cream, the seasonal supply and demand problem is subject to improvement through price incentives and educational influences. The role of education in correcting the problem of uneven production has been dealt with by agencies such as producer associations and agricultural colleges; but education alone has not been sufficient and a price incentive is required in addition thereto.

The proponents of the second proposal advocated a decrease of differentials in Class I and Class II milk during the flush production season and proposed that this season be extended by 1 month over that provided in the present order. In support it was said that the problem was principally one of milk surpluses during the spring months and that "there is an ample supply of milk in the fall months to satisfy the Class I and Class II requirements of the Chicago market if provision is made to channel the milk into the marketing area." The limitations of channeling milk into the marketing area are several. The amount of milk in excess of Class I and Class II milk is very small. Although outside sales represent a much more important volume of milk than is represented by such excess, the record does not adequately show how such milk could be channeled to the marketing area. Furthermore, the amount of milk being moved to other markets is not unrelated to the price structure for milk in the Chicago market; because such sales indicate that other markets can afford to compete with the Chicago market on a favorable basis. In further support it was shown that milk production during the low month of 1946 was 26 percent above the low month of 1940 and that the peak month of 1946 was 36 percent above that of 1940. It was contended that these data supported the statement that the problem of seasonal variation is not caused by insufficient fall production, but rather by too great a supply in the spring. This can hardly be accepted as a valid reason for a decrease in price differentials without considering the influence on price and production throughout the year. These same data demonstrate chiefly that the seasonal variation in production has become wider. While a lower price in the spring months may be expected to reduce the production of milk during such months, it does not follow that fall production will thereby become increased without further price incentives.

During the fall months of 1945 and 1946 the volume of milk in excess of Class I and Class II uses was substantially less than in previous years. The average amount of such excess for the 3 month period, September through November, 1946, is less than 1.5 percent of total market uses and for 1945 slightly over 2 percent. In previous years this percentage ranged from about 7 to 19 percent, except for 1942 when it was 2.3 percent.

In general, a wide seasonal variation in production aggravates the problem of surpluses in the spring months and shortages in the fall months. Unit marketing costs tend to be lower with uniform milk production than with a wide seasonal variation in production. The increase in seasonal variation in milk production during recent years was attributed to the small variation in prices during the war years. A relatively high level of prices, such as now prevails, compared with a low level requires a relatively wider seasonal variation in prices as an incentive to producers to even out production.

The market needs for Class I and Class II milk have increased from an average of 138 million pounds per month in 1940 to 205 million pounds in 1946—an increase of 48 percent. Class I milk

showed an increase of 50 percent and Class II milk an increase of 47 percent for that period. Total milk production for the market during this same period increased approximately 29 percent. This increase resulted from an increase in the average monthly number of producers by 1.6 percent and an increased production of milk per farm of 27 percent.

It was contended that the general level of prices should not be increased in view of the fact that the number of producers (based on preliminary data) increased especially during the latter part of 1946 and the first two months of 1947. In February 1947, the preliminary number of producers was 18,118—the highest number on record; but this number is only approximately 2 percent higher than the number for February of 1941 or March 1944, when there were, respectively, 17,726 and 17,767 producers on the market.

The amount of milk in surplus classes during the fall months must be considered as dangerously low in the light of data already indicated; actual deficits are indicated in the record which were apparently offset through the use of frozen cream. Adverse weather and crop conditions could easily place the market in a serious position of milk shortage.

Practically all costs incurred by producers in the production of milk such as feeds, supplies, labor, and equipment have increased during the past year. Prevailing prices for hogs, beef cattle, and other alternative enterprises open to most producers of inspected milk are at relatively high levels.

Handlers paid premiums to producers amounting to an average of 4.8 to 6.5 cents per hundredweight on all milk in the first two zones during the latter months of 1946. Premiums are shown to have been paid in greater and lesser amounts during the past three years throughout the milk supply area.

Class differentials above the basic or manufacturing level of milk prices in addition to meeting the cost of stricter sanitary requirements of inspected milk, should reflect also the competitive and other economic conditions affecting the supply of and demand for milk in the Chicago marketing area.

The Class I and Class II price differentials over the basic formula price, as set forth below, together with the Class III and the modified Class IV prices, will result in such prices as will reflect the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk or its products in the marketing area, insure a sufficient quantity of pure and wholesome milk and be in the public interest.

The Class I and Class II price differentials should be as follows:

Period	Amount per hundredweight	
	Class I	Class II
May and June	$0.60	$0.30
August, September, October, and November	.90	.50
All other months	.70	.40

The above schedule of prices substantially increases the seasonal variation of price differentials and may be expected to establish a better relationship between the supply of and demand for milk. It establishes larger and more definite incentives for producers to shift some of their milk production from spring to fall, and it may also influence the seasonal demand if these differentials are reflected in consumer prices. It may also be expected that the future development of new supplies will be somewhat responsive to the seasonal aspects of price regardless of location and result in a more even seasonal production for the market than now prevails.

The general level of Class I milk price differentials is increased by approximately 3 cents over the differential prevailing during the war years, and by about 7 cents over the average level now in the order.

The general level of Class II price differentials is increased by approximately 12 cents over the differentials now in the order. The difference between the Class I and Class II price differentials has been reduced from approximately 38 cents to approximately 31 cents; this reduction will have the effect of placing the price of Class II milk closer to the uniform price and therefore will relieve somewhat the burden placed upon the price of Class I milk in maintaining or developing a desirable uniform price. Both classes of milk require the same standard of health regulation.

The effect of the recommended price schedule, when related to handler and producer location adjustments, is such that at the 21st zone, the average annual price of Class I milk will be about 40 cents per hundredweight above the basic price as compared with a Class II average price of about 37–38 cents per hundredweight of milk above the basic price. This places the most distant zone in which milk is received from producers in the position of being in an almost neutral price position on Classes I and II milk but with a slightly higher average price on Class I than on Class II milk.

The Class II milk price differentials as recommended above, provide for 30 cents in May and June as compared with 50 cents for August-November; this allows a 20 cent minimum margin for the storing and freezing of cream. This is an increase of 8 cents above the present order and slightly more than the alleged costs of freezing and storing. It should therefore provide considerable incentive toward freezing cream and help to alleviate seasonal problems.

It may be estimated that the increased differentials on Class I and II milk together with the recommended reduction in the Class IV price will result in an increase of about 4.5 to 6 cents in the uniform price depending upon the percentage of milk in each of the several classes.

(8) The basic formula price provisions should be revised.

(i) One proposal for revision of the Class III formula price provision (alternate basic formula price) would add to the list of manufacturing plants set forth in § 941.5 (a) (1) the names and locations of 5 additional plants. The expressed intent of this proposal is to make such plant list more representative in providing prices for the computation of the basic formula price. Another proposal suggested the addition of 12 more plants in addition to such 5 plants. No definite problem or objection was raised, however, in connection with the reasonableness or propriety of the list of 18 plants as now included in the order.

The proponents of the proposal to add the group of 5 plants to the list indicated an objection to the elimination of the Michigan plants now in the list, although their testimony indicated also that to follow the logic behind the proposal to add the 5 Illinois plants would call for the deletion of the 5 Michigan plants. Appraisal of the testimony leads to the conclusions that the single action of adding the 5 Illinois plants would do little to improve the present Class III price formula and that there are a number of factors involved which should be considered before any revision of this formula is made. Although no direct challenge to the group of 5 plants was made by others, the proponents have not presented convincing evidence that an improvement in the formula as an index of evaporated milk plant prices would result from their inclusion.

The record does not disclose the effects which the 12 other plants suggested would have upon the present Class III price and there is practically no information in the record concerning their operations as to whether they are primarily manufacturing plants. The evidence is not sufficient to support the inclusion of the 12 latter plants. It is recommended that the suggested revision of the list not be made until there is an opportunity to make a more complete analysis of the effect of these or similar changes.

(ii) The butter-nonfat dry milk solids formula price (hereinafter referred to as the Class IV milk price) should be revised.

The proposal to revise the Class IV milk price formula would reduce the price by about 15–16 cents per hundredweight of milk. The revision would be accomplished by reducing in the formula the market price of 92-score butter by 1 cent and the net average price of nonfat dry milk solids by 1½ cents per pound. The argument for a reduction is that Class IV price is based upon two points: (1) That the price of surplus milk under an order "should be at a level which would permit the handler to recover his normal costs of operations but upon which he shall not be given an undue margin of profit"; and (2) that the present formula price is too high to enable handlers to recover their costs on Class IV milk.

The first point has important implications which are not satisfactorily developed in the record. Whether recovery of costs should be limited to efficient handlers only or applied to all handlers, or why this policy or principle should be limited to Class IV milk operations, is not made known. The question of what is an undue margin of profit also is unanswered. Therefore, recovery of "nor-

mal costs" by handlers on Class IV milk and upon which there shall not be "an undue margin of profit," may be accorded some weight but does not permit unqualified acceptance.

As to the second point, the evidence in the record concerning costs of handling Class IV milk is difficult to evaluate for purposes of revising the price formula, except in a reasonably approximate manner. In any case, some other factors must be taken into account. Costs were shown to range from 43 cents to 70 cents per hundredweight of milk. The proponents of the lower Class IV price claim average costs of 57.7 cents per hundredweight of milk, based on a survey of 4 plants, two of which were said to operate at costs of 50–51 cents, and the other 2 at 60.4 and 69.5 cents.

The record indicates that the present so-called "manufacturing allowance" on Class IV milk is 37.5 cents per hundredweight of milk (5 cents times the yield factor of 7.5 pounds of powder) Actually handlers of Class IV milk realize under the present formula a working of something more than this amount: (1) No credit is given to the value of skim milk until a full ½ cent over 5 cents per pound has been reached, allowing the handler actually 5.49 cents per pound in his working margin. This amounts to as much as an additional 3.5 cents per hundredweight of milk; (2) the record shows that actual butter "overrun" approximates 21–22 percent rather than 20 percent as used in the formula. This would amount to another 2 to 4 cents per hundredweight of milk to the handler on the basis of the current butter market; and (3) the record also shows actual nonfat dry milk solids yields per hundredweight of whole milk used to be more than the 7.5 pound factor used in the formula by at least ½ pound, which under prevailing market conditions is not less than another 4.5 cents per hundredweight of milk to the handler.

When the foregoing factors are taken into account, the operating margin for Class IV milk is computed to be approximately 48 cents per hundredweight of milk. It was claimed further that the present formula fails to recognize the cost of transporting butter between a country plant and the Chicago market. It was shown, however, that butter manufactured from Class IV milk by the proponents of the lower price is premium butter, both as to price and as to quality.

The seasonal problem of furnishing the market with adequate supplies of milk and cream is recognized elsewhere in this recommended decision and is dealt with by direct action through seasonal price recommendations on Class I and Class II milk. In the light of the seasonal price plan recommended and in the absence of affirmative action on the "pool plant" proposal, it is concluded that the Class IV price remain unchanged during all months of the year except those shown to be preponderantly surplus supply months. For the months of March, April, May, and June, therefore, the Class IV price formula should be modified to the extent of changing the present 5 cent allowance on nonfat dry milk solids to 6 cents. This means that the margin allowed under the recommended formula for these 4 months amounts to approximately 55–56 cents per hundredweight of Class IV milk, and falls at about the midpoint between the 43–70 cent cost range shown in the record. It is also close to the average cost figure of 57.7 cents per hundredweight of milk claimed by the proponents of a lower price formula. Any revision of the Class IV formula beyond the amounts indicated above would appear to require further inquiry and evidence.

(iii) In the order currently effective, the basic formula price is the highest price computed from three manufacturing milk price formulas based, respectively, on the "paying" prices of several evaporated milk concerns, open market prices of butter and cheese, and open market prices of butter and nonfat dry milk solids for the current delivery period. Two proposals to change the application of these formulas have been made. Under the first, the highest prices resulting from the respective formulas for the current delivery period and that next preceding would be averaged and used as the current basic formula price. Under the second such proposal, the highest price resulting from these manufacturing milk formulas for the delivery period next preceding (formerly the basic formula price for such delivery period) would be used as the basic formula price for the current delivery period. The first proposal was suggested for the purpose of reducing somewhat the monthly variations in Class I milk and Class II milk prices and to enable handlers to estimate more closely in advance the level of such prices which they would be required to pay in the current delivery period. The second appears to be designed to enable handlers to know with certainty their purchase prices for Class I milk and Class II milk by the fifth day of the delivery period during which the milk is received.

Under the present order, class prices are not known until approximately the fifth day after the end of the delivery period during which the milk is received. Handlers complain that they are disadvantaged by not knowing the Class I and Class II milk prices they will have to pay for milk received from producers until after that milk has been disposed of by them.

More orderly marketing of fluid milk and fluid cream may be encouraged by the announcement of the Class I and Class II prices early in the delivery period during which milk covered by such classes is disposed of by handlers. For this reason the proposal to base such class prices upon the manufacturing milk formula prices for the next preceding delivery period is recommended with the condition that the basis formula price effective for July shall not be less than that for the preceding month of June. The latter condition will assist to preserve the proper seasonal trend of prices.

Substantial quantities of Chicago approved milk are disposed of in the form of manufactured milk products covered by the Class III milk and Class IV milk definitions under the order. The latter products, although made from Chicago approved milk, are in open market competition with similar products from milk not meeting any formal health inspection. Because of competitive character of the markets for the products covered by Class III milk and Class IV milk, the prices for the latter classes should continue to be based upon the manufacturing milk formula prices for the current delivery period rather than for the next preceding delivery period.

(9) The rates of location adjustment credits to handlers for fluid milk or fluid skim milk shipped from country plants to the marketing area and on certain Class I milk not so shipped should be increased; the rates on fluid cream should not be increased.

(i) No zone adjustments on fluid milk and fluid skim milk were proposed for Zone 1, and none are allowed under the present order. It was proposed that the present rate of 1½ cents per hundredweight of milk be increased to 2½ cents for each 15-mile zone beyond the 70-mile zone (Zone 1) This proposed rate was determined by subtracting a claimed 13-cent rail rate, for Zone 1 from a claimed 62-cent rate for Zone 21, and dividing the result by 20, the number of zones involved. This resulted in a rate of 2.45 cents per hundredweight of milk. Only one location within the 70-mile zone (Zonel) was shown to have a rail rate of 13 cents. The average of several locations in Zone 1 was shown as 28 cents, and in Zone 2 as 29 cents. Rail rates approved by the Interstate Commerce Commission have been increased about 15 percent since September 1, 1946, the date on which the last amendments to zone rates to handlers were made effective under Order 41.

Most fluid milk and fluid skim milk are hauled by truck. Trucking rates appear to be higher than rail rates on long hauls, but lower on short hauls. Hauling rates by truck are shown to be 16 cents per hundredweight in Zone 1, 18 cents for Zone 2, with rather uniform increases at 2 cents for each zone thereafter. Beyond Zone 14 rail rates are lower than trucking rates. Such rates average approximately 1 cent per zone between zones 1 and 21. Location adjustment credits should enable the movement of the necessary quantities of milk for Class I use but should not be high enough to encourage the uneconomic movement of fluid milk. It is economically desirable to secure the necessary fluid milk from the nearest possible sources. It is concluded that a rate of 2 cents per hundredweight per zone between 70 and 265 miles from the marketing area and a rate of 1 cent per hundredweight additional per zone beyond will assist in this objective. Higher rates for such zones would place an undue burden on the returns to producers.

(ii) Two proposals were submitted to change the rates of location adjustment credits to handlers on fluid cream. One proposal would adopt an LCL rate from the country plant location beyond Zone 1 to the perimeter of Zone 1. The second would apply the "effective tariff rates" from the point of origin to the marketing area. Neither proposal contemplates any change in the present provision under which no location adjustment credit is allowed on fluid cream originating within the 70-mile zone.

The record does not contain any information as to what the applicable LCL rail rates are or as to the extent of movements of fluid cream in less than carlot quantities by rail as compared with carlot shipments or with truck shipments. The adoption of any change in rates along the lines of the first named proposal is not warranted on the basis of the record.

The second proposal provides for a zone rate of ¾ cent per hundredweight of milk shipped to the perimeter of the 70-mile zone in the form of fluid cream. However, this proposal was modified by a request that the rates "shall be the effective tariff rates applicable on shipments of cream in cans from the zone and the point of origin to the Chicago marketing area and that such rates be secured and published by the market administrator." The basis for the ¾ cent rate was not indicated, nor was the meaning or application of "effective tariff rates" satisfactorily developed in the record. The application of rates in this second proposal to shipments of fluid cream from beyond the 70-mile zone to the marketing area instead of to the 70 mile perimeter would permit serious inequities. For the above reasons, neither feature of the second proposal should be adopted.

(10) The proposed 4-cent butterfat differential applicable to fluid milk sold as Class I milk testing above or below 3.5 percent of butterfat should not be adopted.

This proposal would have the effect of placing a price on butterfat which is in excess of 3.5 percent in fluid milk sold as Class I milk of 4 cents per point. This is substantially lower than the current price of butterfat for any use including butter, the lowest-valued use under the order. Under the proposal the market pool would subsidize the butterfat in excess of 3.5 percent disposed of in Class I fluid milk. No adequate reasons have been presented to show why these results should prevail.

(11) The method of pricing Class I milk disposed of in markets outside the Chicago, Illinois, marketing area should not be changed.

It was proposed that the price of Class I milk disposed of in any market outside the marketing area should be the "price as ascertained by the market administrator which is being paid for milk of equal grade and of equivalent use in the market where such milk is disposed of." Another proposal would limit such "ascertained prices" to the months of January through July, inclusive, with a fixed minimum of 45 cents over the basic formula price, and would apply a similar pricing principle to Class II milk disposed of outside the marketing area.

Milk approved for Chicago distribution is sold in several markets outside the marketing area. Some of this milk is sold under resale price levels lower than those in the marketing area. A portion of such milk is sold in markets having Grade A health standards similar to the City of Chicago, while some is sold in markets having less stringent health standards.

The price effective under the Chicago order should be such as to induce a supply adequate to meet the demand of the Chicago marketing area but not to fulfill the requirements of outside markets where milk of lesser quality may be used. The Chicago market does not have an excessive supply of milk except for a certain amount of seasonal surplus, which is not uncommon to the market. If Chicago approved milk is permitted to be sold in outside markets at less than the price prevailing in the marketing area, the result is a subsidizing of the outside sale. The proposal that the outside sale of Class I milk and Class II milk be permitted at a lower price only during the months of January through July, inclusive, when milk is relatively plentiful on the Chicago market, as a convenient method of disposing of seasonal surpluses which might otherwise fall into even lower-priced uses, should not be adopted because of the resulting "dumping" effect on the outside market. In addition, the fixing of the proposed lower prices for Chicago milk sold in other markets could have a depressing effect on the prices paid farmers by competing unregulated distributors in such markets, which lower prices in turn might further depress the "ascertained prices" to be used under the Chicago order.

Moreover, prices paid by individual distributors within a single outside market often vary greatly and the standards and method by which the market administrator would ascertain the price being paid in the outside market for milk of equal grade and of equivalent use were not outlined. From the administrative viewpoint, it is considered undesirable to burden the market administrator with the responsibility of determining outside market price levels in such circumstances.

(12) A special storage allowance for storing frozen cream should not be included.

Cream for disposition in the form of ice cream in the City of Chicago must be made from Chicago inspected milk. Ice cream for disposition outside the City of Chicago may be made from cream produced under less rigid health inspection requirements. Chicago ice cream manufacturers sell ice cream both in the City of Chicago and in outside markets, some of which are beyond the limits of the marketing area. Cream is frozen by Chicago handlers in the months of relatively heavy milk production as supply insurance for months of relatively light milk production. Costs incurred in freezing and storing cream are alleged to approach 20 cents per hundredweight of milk. Order No. 41 currently allows an automatic decrease of 12 cents per hundredweight on frozen cream in May and June, but cream for fluid use is not subject to a lower seasonal price differential in May and June. Chicago handlers selling in markets adjacent to the marketing area consider that they are in an unfavorable competitive situation in such markets with ice cream makers not regulated by Order No. 41.

It is proposed under conclusion (7) that a seasonal price plan be established for both Class I milk and Class II milk. The total amount of the seasonal change in the price differential from the May and June level would be 20 cents per hundredweight for Class II milk. The increase in July from the June level would be 10 cents per hundredweight and an additional increase of 10 cents per hundredweight would be effective for the months of August to November, inclusive. In addition it is usual to expect a somewhat higher basic formula price in the fall months than prevails in the months of May and June. Since the expense of freezing and storing cream does not exceed 20 cents per hundredweight of the milk used to produce such frozen cream it would appear that the person incurring such costs would take, under this seasonal price plan, little, if any, risk in protecting his fall supply of cream for ice cream manufacture. This price plan permits him to buy cream for later use at a relatively low price in the summer months and should give an adequate incentive to cream storage rather than to discourage it. An additional allowance of 17 cents per hundredweight is unnecessary in view of the seasonal price plan proposed.

Chicago ice cream manufacturers may compete for business in markets where ice cream makers do not maintain Chicago inspection, but such outside ice cream makers may not compete for ice cream business in the City of Chicago. The Chicago ice cream maker operates with respect to the bulk of his ice cream sales on a market protected against outside competitors not handling Chicago approved ice cream. Chicago producers are producing primarily for this inspected market and have pointed out the need for additional supplies of milk on the Chicago market at certain times of the year. Prices for Chicago milk should be designed to bring forth a sufficient supply of milk to meet the demands for which inspected milk is required, but not to create undue surpluses of high quality milk or to provide supplies for milk products to be sold in other markets where different price and supply conditions call for different purchase prices.

(13) The "approved plant" definition should not be changed; and new provisions for (i) establishing additional requirements for continued pool participation by plants now eligible for inclusion in the market-wide pool and (ii) the suspension of pool plants under certain conditions, should not be adopted at this time.

Producer proponents of the proposal for establishing more stringent requirements on plants with respect to pool participation support their proposal by alleging the failure of certain pool participating plants to ship fluid milk and fluid cream in the months of short production when substantially all available supplies of approved milk are needed in the Chicago market. It was pointed out that plants desiring to receive the year around benefit of a uniform price, which includes in all months the total value of the Class I and Class II milk sold on the market as well as the values of the other classes, should recognize an obligation to furnish the market with fluid milk and fluid cream whenever it is needed even though in most months of the year such plant may be engaged primarily in manufac-

turing operations such as the processing of evaporated milk, butter, powder, or cheese. The particular proposal offered attempts to establish standards of performance with respect to the shipment of milk and cream to be made by each and every handler to remain in the market pool.

Plants commonly considered as "standby plants" which are primarily engaged in manfacturing operations but which have entry into the pool at all times of the year do carry at least a moral obligation to furnish their total pool supply to meet the higher-valued uses if and when it is necessary. This obligation accrues from the benefit which such plants receive throughout the year in the form of price equalization which enables them to pay producer prices equal to those paid by strictly fluid milk plants similarly located. The problem posed can admittedly become serious and irksome in a fluid milk market. However, it has not reached the stage in the Chicago market where the suggested type of remedy or one of equal force is imperative. In addition, the proposal at hand does not cover the problem completely and leaves many questions to be answered, especially regarding its administrative practicality. Because of these considerations, it is concluded that the suggested pool plant provisions should not be adopted at this time.

(14) The pool treatment of the classified value of frozen cream should not be revised (§ 941.7 (b) (3))

Under the proposal there would be set aside from the pool the difference between the value of frozen cream at the Class II price and its value at the Class IV price for the delivery period in which such cream is frozen, such difference to be returned to the pool during the delivery period in which the frozen cream is utilized.

The proposal seeks to implement seasonal pricing. However, it raises questions and implications relating to other provisions of the order which were not sufficiently developed at the hearing to warrant adoption on the basis of this record.

(15) The location adjustments applicable to the producers' uniform price should be revised.

The order provides for the announcement of the uniform price per hundredweight of milk received from producers at plants located not more than 70 miles (Zone 1) from Chicago. Beyond this distance the uniform price is subject to location adjustments. These deductions are 2 cents per hundredweight of milk for each subsequent 15 mile zone up to 175 miles and ½ cent for each 15 mile zone thereafter. Since the order was first made effective in September, 1939, no changes have been made in these rates. The only interim change with any bearing on location allowances was the adoption, by amendment, of road and rail miles instead of air miles in determining the zone location of plants. Under the present structure, the location adjustment rate to producers parallels, up to a distance of 175 miles from the market, the transportation rate allowed handlers for shipping fluid milk; thereafter the rate of adjustment approximates that allowed for transporting fluid cream.

It was contended on behalf of certain organizations that the present location adjustment rates discriminate against the far-out producer and favor the close-in producer. In support it was shown, for example, that in 1944 location adjustments to handlers for milk received beyond the 70 mile zone totaled about $350,000, whereas location adjustments for producers in the same zones totaled about $650,000. The difference of about $300,000 was described as a "tribute" paid by distant producers to close-in producers. It was proposed on these facts that the producer location adjustments should be equivalent to the present rate of adjustment to handlers for fluid milk shipments, or 1½ cents per hundredweight, for each 15 mile zone beyond the 70 mile zone up to a distance of 130 miles from the marketing area and beyond that at a cream rate of ¼ cent per hundredweight per zone. It was proposed further that the 1½ cent rate should drop to 1 cent whenever the accumulated excess of total handler adjustments over total producer adjustments exceed $50,000 and should be restored again to the 1½ cent rate when such excess drops below $25,000. The effect of these proposed rates on producers' uniform prices per hundredweight at the extreme outside and the extreme inside zones would be (i) an increase in the 21st zone (355–370 miles from Chicago) by 10 to 12 cents in relation to the uniform price for the 70-mile zone, and (ii) a decrease in the uniform price in the 70-mile zone of approximately 2 to 3 cents, with proportionate effects on the intermediate zones.

Handler location adjustments are made primarily for the purpose of equalizing among handlers the relative cost of shipping to the marketing area fluid milk and cream from all points in the supply area beyond zone 1. Producer location adjustments are made to the uniform price and are intended to assign proper values to milk delivered by them at different locations in the supply area. A comparison of dollar differences between the two types of adjustment has little significance in dealing with the problem of fixing appropriate rates of location adjustments to producers. All of the following factors affect total dollar differences in such adjustments: (1) The rates of location adjustments to handlers for fluid milk; (2) the rate of location adjustment to handlers for fluid cream (it may be pointed out that the proponents also testified in favor of an increased rate of handler allowances on fluid cream shipments on the basis of cost of shipment but not as a supporting reason for decreasing the dollar differences in adjustments) (3) the volume of milk in each zone to which the fluid milk rate applies; (4) the volume of milk in each zone to which the fluid cream rate applies; (5) the volume of milk received from all producers in each zone; and (6) the rates of location adjustments to producers. The proponents have limited their "remedy" mainly to the dollar differences in adjustments in a revision of the rates of location adjustments to producers and have given little consideration to the importance or influence of the other five factors. The principle employed by the proponents of the changed rates to producers when carried to its logical conclusion, means that when no location adjustments are made to handlers, there shall be no location adjustments made to the uniform price paid to producers. In other words, producers located beyond the 70-mile zone would receive the highest uniform prices, relative to the prices received by producers in the 70-mile zone, if the former group did not ship any fluid milk or fluid cream to the marketing area. Conversely, as shipments of fluid milk or fluid cream are made from distant points, with accompanying increases in the dollar value of handler location adjustments, the uniform prices received by distant producers become relatively lower than the prices received by close-in producers.

Moreover, producer location adjustments affect the uniform price in each zone. The claim of discrimination against far-out producers deserves analysis in this respect also. Zone 21 is the most distant zone from the market in which approved plants are located at present. A comparison of the uniform prices with class prices in Zone 21, 1940–46, inclusive, discloses that if Zone 21 had sold all of its milk for Class I use in Chicago or elsewhere during each month of that period such milk would have drawn money from the pool during 31 out of 84 months because the Class I price in the 21st zone was lower than the uniform price. It may be noted in addition that Class II milk, which is the principal type of milk furnished to the market by most far-out plants, was priced below the uniform price in Zone 21 during 49 months out of 84. During the year 1946, Class II milk in such zone was priced under the uniform price during every month while the Class I price in that zone was lower than the uniform price during the 7 months of the year. Actually, most of the Class I milk for the market came from close-in zones causing these zones to pay into the pool and thereby enabling Zone 21 and other far-out zones to draw even more out of the pool than would result under the above illustration. Under the proposed rate structure described above, the relationship between the Class I and Class II prices and the uniform prices in the outer zones would be further aggravated.

The assertion of discrimination made does not withstand the above consideration.

It was proposed by one producer organization that the rate of location adjustment to producers should be closely related to the cost to the individual producer of moving his milk to the marketing area independently of other producers and that this cost should be a uniform amount for each zone. This proposal was restated to the effect that producer location adjustments should have the same rate that applies to fluid milk shipped by handlers. It was contended also that the proposal for lower location adjustments to producers might result in a uniform price to producers in a distant zone which is higher than the Class I price for that zone. In reply to this statement, the proponents of the lower rates of location adjustments to

producers argued that "there is no way under Order 41, if the proposed amendment (for a lower rate) were adopted, by which producers in distant zones could secure higher than Class I prices." However, the latter statement may not be sustained since it has been shown above that even under the rate structure in the present order the Class I price in the 21st zone at times actually has been below the uniform price for such zone and that a lower rate of location adjustment to producers in such zone and other far-out zones would aggravate this situation.

Because of the relationships of prices indicated above, it is desirable to revise rate of location adjustment to producers in a manner which will establish improved price relationships throughout the milkshed. The present rate structure provides a strong incentive for uneconomic development of the supply area. Milk for use as both Class I milk and Class II milk must conform to the same health standards and must be produced on farms meeting the same minimum health standards. Because of transportation costs, efficient marketing is promoted by securing milk for fluid use as near to the market as possible. Although it is recognized that from the practical standpoint the entire requirements of milk for fluid use cannot be produced in the most compact and close-in area, advantages from location which naturally accrue to nearby producers should not be removed to the extent that an uneconomic development of the supply area for fluid milk results.

Because the availability of approved milk in fluid form is a major element in determining its utility in relation to the needs of the marketing area, the cost of transporting such milk in fluid form from the particular zone should determine its value relative to that of milk of other producers closer to or farther away from the marketing area.

In view of the above, it is recommended that the rate of location adjustment to producers be established on the basis of the cost of moving milk in fluid form to the market. It is recognized that it is not necessary for producers to move milk individually to the market and that transportation economies are effected by the assembly and movement of milk by truck or rail either at the instance of the handler or of producers acting jointly. Since it has been recommended, in revising handler location adjustments, that the handler should be allowed credit only on the basis of moving milk from any given zone by the least expensive mode of transportation it is deemed desirable to establish producer location adjustment rates on the same basis at this time.

This would result in a rate structure of 2 cents per hundredweight per zone for zones 2–14, and an additional 1 cent for each zone thereafter. It is estimated that this proposed rate structure would affect the average annual uniform prices to producers as follows: (i) In the first 8 zones such prices would be increased approximately 1 cent per hundredweight compared with the present rate structure, (ii) in the 9th zone a net decrease in such prices of ½ cent per hundredweight, (iii) net decreases of 2, 3½, 5, 6½, and 8 cents per hundredweight for Zones 10, 11, 12, 13, and 14, respectively, and (iv) from the 15th zone to the 21st zone net decreases from 8½ cents to 11½ cents per hundredweight.

(16) Several revisions of language should be made to obtain further clarity and to simplify administrative problems.

(i) In determining the butterfat test of flavored milk and flavored milk drinks the average fat test of these products, including the fat test of chocolate ingredients, should be used as their butterfat test in all cases where a handler's production records do not show the amount of butterfat going into the product (§ 941.4 (e) (3) (iii))

The order now provides that in determining the pounds of butterfat in flavored milk and flavored milk drinks the weight of the products is multiplied by their average butterfat test. It has been contended in some instances that a variation exists between the total fat test of the finished product and the butterfat test thereof. A representative study by the market administrator showed that the difference between the butterfat test of the milk ingredients and the total fat test of the finished product was insignificant. The procedure presently being followed by the market administrator is to use the total fat test of flavored drinks as their butterfat test in the absence of adequate records showing a different butterfat test. The proposal will specifically spell out this method in the order. Where handlers' records show the amount of butterfat going into these products, such records have been accepted and will continue to be accepted under the proposal.

(ii) In computing the net class volumes of milk to be priced currently, the milk equivalent of any frozen cream, or other intermediate product, carried over from a previous delivery period and used in making another milk product should be deducted (§ 941.4 (f)).

Milk products which are not end products in themselves are classified and priced during the delivery period when made. It is necessary to deduct the milk equivalent of butterfat in such products from the appropriate uses for the delivery period when such products are finally used to make other products in order that a handler will not be charged twice for the same milk. The recommended procedure is administratively necessary and has been followed in the past by administrative application of the classification provisions.

(iii) A butterfat allowance of 0.06 percent should be provided to handlers who are not able to show specific tests as to butterfat content of skim milk.

There has been an administrative problem with respect to the determination of the butterfat content of skim milk. Some handlers do not have testing equipment adequate to ascertain with reasonable accuracy the butterfat content remaining in skim milk after separation. Handlers with adequate records have been permitted to claim butterfat in skim milk. A study by the market administrator indicates an average butterfat content of approximately 0.06 percent for skim milk used by handlers in manufacturing dairy products. It appears that 0.06 percent is a reasonable factor for use in the absence of adequate tests or records. Butterfat in skim milk may be a substantial factor in the shrinkage experienced by a plant engaged primarily in receiving and separating milk and shipping cream to the marketing area.

The proposed amendment would relieve an administrative problem and would tend to bring about a greater degree of equity among handlers in determining the butterfat content of skim milk.

(iv) The section providing for an assessment on handlers covering administrative expenses should be revised to (i) provide that changes in the administrative assessment rate below the maximum fixed in such section shall be determined by the Secretary rather than by the market administrator subject to review by the Secretary, and (ii) eliminate suits by the market administrator to collect such assessments.

Procedure for making changes in such rates will be less complicated if such rate-making is a direct function of the Secretary rather than a review function. This revision will simplify the establishment of appropriate rates of assessment at any time the assessment rate should be changed.

Section 941.9 (b) is unnecessary because the Secretary currently assumes responsibility for enforcement of the payment of such assessments.

(v) The section providing for the marketing services deductions should be revised to provide that changes in the rate of marketing services deductions below the rate specified in such section shall be determined by the Secretary rather than by the market administrator subject to review by the Secretary.

The fixing of the rate of marketing services deductions by the Secretary (who now reviews the rate established by the market administrator) will simplify the procedure for establishing such rate of assessment below that specified in the order when a change in the rate is necessary.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Producer Associations and various handlers subject to Order No. 41. The briefs contain statements of fact, conclusions, and arguments with respect to all of the proposals discussed at the hearing. Every point covered in the briefs was carefully considered, along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. Although all of the briefs do not contain specific requests to make proposed findings, it is assumed that the statements, conclusions, and arguments submitted were for this purpose and are treated accordingly. To the extent that such proposed findings and conclusions are inconsistent with the proposed findings and conclusions contained herein, the implied request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision..

Recommended marketing agreement and amendments to the order. The following amendments to the order, as

amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this recommended decision because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended.

1. Delete § 941.4 (a) (2) and substitute therefor the following:

§ 941.4 *Classification of milk*—(a) *Basis of classification.* * * *

(2) Any milk moved as fluid milk from an approved plant to any point located outside the following area (hereinafter referred to as the "surplus milk manufacturing area") shall be classified as Class I milk and any milk moved as fluid cream, frozen cream, other cream frozen, plastic cream, or any cream product in fluid form shall be classified as Class II milk; the State of Wisconsin; the counties of Stark, Marshall, Woodford, Livingston, Ford, Iroquois, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Lake, Carroll, Ogle, DeKalb, Kane, Cook, Du Page, Whiteside, Lee, Rock Island, Henry, Bureau, Putnam, La Salle, Kendall, Grundy, Will, Kankakee, Peoria, McLean, Champaign, and Shelby, in the State of Illinois; the counties of Benton, White, Cass, Miami, Howard, Carroll, Tippecanoe, Tipton, Clinton, Fountain, Warren, Parke, Vermillion, Vigo, Sullivan, Lake, Newton, Porter, Jasper, La Porte, Starke, Pulaski, St. Joseph, Marshall, Fulton, Kosciusko, Wabash and Elkhart, in the State of Indiana, the counties of Ottawa, Kent, Allegan, Barry, Calhoun, St. Joseph, Van Buren, Kalamazoo, Cass, and Berrien, in the State of Michigan; and the county of Van Wert, in the State of Ohio.

2. Delete § 941.4 (a) (3) and substitute therefor the following:

(3) Any milk moved as fluid milk or fluid cream from an approved plant to an unapproved plant located within the surplus milk manufacturing area, which manufactured during the delivery period butter, cheese (except cottage cheese) evaporated milk, condensed milk, whole milk powder, or ice cream powder shall be classified under paragraph (b) of this section according to its utilization at the latter plant, as shown by adequate daily records: *Provided,* That (i) if in the unapproved plant the receipts of fluid milk or fluid cream from an approved plant are commingled with its other receipts, the receipts of the approved fluid milk shall be allocated, according to such daily records, on the basis of the utilization of all milk receipts at such unapproved plant in products covered by Class III milk, Class IV milk, Class II milk, and Class I milk, in that sequence; and any such receipts of approved fluid cream shall be allocated similarly on the basis of the utilization of all butterfat receipts at such unapproved plant in products covered by Class IV milk, Class III milk, Class II milk, and Class I milk, in that sequence; and (ii) if the unapproved plant does not make available to the market administrator adequate utilization records on a daily basis, but does make available to the market administrator adequate utilization records on a monthly basis, the fluid milk received from an approved plant shall be allocated to Class I milk, Class II milk, Class III milk, and Class IV milk, in that sequence; and the fluid cream received from an approved plant shall be allocated to Class II milk, Class III milk, Class IV milk, and Class I milk, in that sequence.

3. Delete § 941.4 (e) (3) (ii) and substitute therefor the following:

(e) *Computation of milk in each class.* * * *

(3) * * *

(ii) Multiply each of the resulting amounts by its average butterfat test (in the case of flavored milk and flavored milk drinks the test to be used shall be the average fat test of the finished product if the handler's production records do not show the amount of butterfat contained therein) and add the results so obtained.

4. Redesignate subparagraphs (2) (3) (4) and (5) of § 941.4 (f) as subparagraphs (3) (4) (5) and (6) respectively, and add as subparagraph (2) the following:

(2) Subtract from the remaining pounds of milk in each class the pounds of milk obtained from frozen cream or from any other product that has been classified in an earlier delivery period and is reused (or utilized) in the current delivery period in such class.

5. Delete § 941.4 (b) (2) and substitute therefor the following:

(b) *Classes of utilization.* * * *

(2) Class II milk shall be all milk the butterfat from which is contained in sweet or sour cream, any fluid cream product having more than 6 percent butterfat, butter cream, filled cream, frozen cream, plastic cream, eggnog, yoghurt, ice cream, ice cream mix (liquid or powder) cottage cheese, and any other milk product of composition and texture similar to any of the products named in this subparagraph; except that this definition shall not include butterfat in cream, fluid cream products, filled cream, and cottage cheese disposed of in bulk to bakeries, soup companies, and candy manufacturing establishments in their capacity as such.

6. Delete from § 941.4 (b) (4) (iii) the words "or to an unapproved plant."

7. Delete from § 941.4 (e) (6) (vi) the words "or to unapproved plants."

8. Delete paragraphs (a) and (b) of § 941.5 and substitute therefor the following:

§ 941.5 *Minimum prices*—(a) *Basic formula price.* Basic formula price to be used in computing the prices of Class I milk and Class II milk for each delivery period shall be the higher of the prices for Class III milk and Class IV milk as computed by the market administrator pursuant to subparagraphs (3) and (4) of paragraph (b) of this section for the delivery period next preceding: *Provided,* That the basic formula price effective for July shall not be less than that effective for June.

(b) *Class prices.* Subject to the appropriate location adjustment credits, as set forth in paragraph (c) of this section, each handler, at the time and in the manner set forth in § 941.8 shall pay per hundredweight of milk purchased or received during each delivery period from producers or from cooperative associations, not less than the prices as set forth below in this paragraph:

(1) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amount for the delivery period indicated: May and June, $0.50; August, September, October and November, $0.90; all others, $0.70.

(2) *Class II milk.* The price for Class II milk shall be the basic formula price plus the following amount for the delivery period indicated: May and June, $0.30; August, September, October, and November, $0.50; all others, $0.40.

(3) *Class III milk.* The price for Class III milk shall be the highest of the prices resulting from the respective formulas set forth in (i) and (ii) of this subparagraph and in subparagraph (4) of this paragraph.

(i) The average of the prices per hundredweight reported to have been paid, or to be paid, for such delivery period to farmers for milk containing 3.5 percent butterfat delivered during such delivery period at each of the following listed manufacturing plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator:

Companies and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(ii) The price per hundredweight computed from the following formula:

(*a*) Multiply the average wholesale price per pound of 92-score butter at Chicago for the delivery period as reported by the United States Department of Agriculture, by 6;

(*b*) Add 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided,* That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this formula;

(*c*) Divide by 7;

(*d*) Add 30 percent; thereof; and

(*e*) Multiply by 3.5.

(4) *Class IV milk.* The price for Class IV milk shall be that computed from the following formula: Multiply by 3.5 the arithmetical average of daily wholesale prices per pound of 92-score butter in the Chicago market, as reported by the

United States Department of Agriculture during the delivery period, add 20 percent thereof, and add to, or subtract from, such sum 3¾ cents for each full ½ cent that the arithmetical average of carlot prices per pound of nonfat dry milk solids (not including that specifically designated animal feed) spray and roller process, f. o. b. Chicago area manufacturing plants, as reported by such agency during the delivery period, is respectively above or below 5 cents: *Provided,* That for the delivery periods of March, April, May and June "6 cents" shall be substituted for "5 cents" in such computation: and *Provided further,* That if such f. o. b. manufacturing plant prices of nonfat dry milk solids are not reported there shall be used for the purpose of such computation the arithmetical average of the carlot prices of nonfat dry milk solids delivered at Chicago, Illinois, as reported weekly by such agency during the delivery period; and in the latter event the respective amounts "5 cents" and "6 cents" shall be increased by one cent.

9. Delete § 941.5 (c) (1) and substitute therefor the following:

(c) *Location adjustment credit to handlers.* (1) The location adjustment credit with respect to that portion of milk received directly from producers at an approved plant (i) which is moved in the form of fluid milk or fluid skim milk from such approved plant to a plant engaged in the bottling of fluid milk, which is located less than 70 miles from the City Hall in Chicago, or (ii) which is classified as Class I milk but did not move in the manner described in (i) of this subparagraph or in subparagraph (2) (i) of this paragraph, shall be 2 cents per hundredweight for each 15 miles or fraction thereof that such approved plant is located more than 70 miles but not more than 265 miles from the City Hall in Chicago, plus 1 cent per hundredweight additional for each 15 miles or fraction thereof that such approved plant is located beyond 265 miles from the City Hall in Chicago: *Provided,* That there shall be no location adjustment credit with respect to milk classified as Class I milk pursuant to § 941.4 (b) (1) (iii) *And provided further* That all such mileages shall be computed by the market administrator by rail or highway distance, whichever is shorter.

10. Add as § 941.6 (d) the following:

§ 941.6 *Application of provisions.* * * * (d) *Butterfat in skim milk.* A handler may claim for classification purposes pursuant to § 941.4 butterfat in skim milk disposed of to others or used in the manufacture of milk products by including the butterfat content of such skim milk in his report for the delivery period filed pursuant to § 941.3 (a) (2) or by giving prior notification to the market administrator of his desire to do so. In the event that a handler does not have adequate records of the butterfat content of such skim milk, the market administrator shall use 0.06 percent as the butterfat content per hundredweight of such skim milk: *Provided,* That if the handler desires to discontinue accounting for butterfat in skim milk, or after discontinuing the accounting therefor desires to again account for the same, he may do so by notifying the market administrator in writing at least 30 days prior to the first day of the delivery period during which such change shall become effective.

11. Delete § 941.8 (b) and substitute therefor the following:

§ 941.8 *Payment for milk.* * * *

(b) *Location adjustments to producers.* In making payments to producers pursuant to paragraph (a) (2) of this section, each handler shall deduct per hundredweight of milk purchased or received from producers at a plant located more than 70 miles from the City Hall in Chicago, 2 cents for each 15 miles or fraction thereof between 70 miles and 265 miles from the City Hall in Chicago, plus 1 cent per hundredweight additional for each 15 miles or fraction thereof that such plant is beyond 265 miles from the City Hall in Chicago: *Provided,* That all such mileages shall be computed by the market administrator by rail or highway distance, whichever is shorter.

12. Insert in § 941.9 (a) following the phrase "a sum not exceeding 2 cents per hundredweight" the words, "or such lesser amount as the Secretary may prescribe," and delete from such paragraph the words "the exact sum to be determined by the market administrator, subject to review by the Secretary."

13. Delete § 941.9 (b).

14. Delete from § 941.10 (a) the words "or such lesser amount as the market administrator shall determine to be sufficient, such determination to be subject to review by the Secretary" and substitute therefor the words "or such lesser amount as the Secretary may prescribe."

Filed at Washington, D. C., this 11th day of July 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 47-6034; Filed, July 15, 1947; 8:46 a. m.]

[7 CFR, Part 968]

[Docket No. AO-173-A2]

HANDLING OF MILK IN WICHITA, KANS., MARKETING AREA

NOTICE OF HEARING ON PROPOSED RULE MAKING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737; 12 F. R. 1159), notice is hereby given of a public hearing to be held in the District Court Room, Federal Building, at Wichita, Kansas, beginning at 10 a. m., c. s. t., July 24, 1947, with respect to proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Wichita, Kansas, marketing area. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic or marketing conditions which relate to the provisions of the proposed amendments to the marketing agreement and order, as amended, or to any modifications thereof, which are hereinafter set forth.

Proposed by the Wichita Milk Producers Association.

1. Delete § 968.3 (a) and substitute therefor the following:

(a) *Basis of classification.* Milk or cream sold in bulk by handler to nonhandler who distributes milk and cream shall be Class I or Class II except that if:

(1) Handler regularly receives both graded and ungraded milk;

(2) That he has sufficient ungraded to furnish sales in question; and

(3) Such milk or cream is sold, billed and tagged or labeled "uninspected milk for manufacturing only" If it meets all of those conditions it shall be Class III.

Any milk sold by handler to nonhandler who distributes milk or cream and which does not meet all of the above provisions shall be classified as follows:

(i) If such purchasing nonhandler is located more than 100 miles from the plant of the selling handler it shall be classified Class I in the case of milk or Class II in the case of cream.

(ii) If such purchasing nonhandler is located within 100 miles of the selling handler and permits the market administrator to audit his records it shall be classified as follows:

(a) Determine the classification of all milk received by such nonhandler and (b) allocate the milk or cream disposed of by a handler to such nonhandler to the highest use classification remaining after subtracting, in series beginning with the highest use classification, the receipts of milk by such nonhandler direct from dairy farmers who meet requirements of that market for Class I and Class II.

(iii) If such nonhandler is located within 100 miles of the handler's plant and does not permit the market administrator to audit his records it shall be classified Class I or Class II as the case may be.

2. Provide milk or cream sold by a handler to a nonhandler who does not distribute milk or cream shall be Class III.

3. Delete § 968.3 (b) and substitute therefor the following:

(b) *Classes of utilization.* Subject to the conditions set forth in paragraph (a) of this section the classes of utilization shall be as follows:

(1) Class I milk shall be all milk and skim milk disposed of as milk, skim milk, buttermilk or flavored milk drinks and all milk not classified as Class II milk or Class III milk pursuant to subparagraphs (2) and (3) of this paragraph.

(2) Class II milk shall be all milk, used to produce cream which is disposed of in the form of cream, other than for use in products specified in subparagraph (3) of this paragraph, creamed cottage cheese, products sold or disposed of in the form of cream testing less than 18 percent of butterfat, aerated cream, and eggnog.

(3) Class III milk shall be all milk used to produce butter, cheese (other than creamed cottage cheese) evaporated milk, condensed milk, ice cream, ice cream mix, and powdered whole milk; used for starter churning, wholesale baking and candy making purposes; accounted for as salvage from products where the recovery of fat is impossible; and not accounted for but not in excess of 3 percent of the total receipts of butterfat other than receipts from other handlers.

4. Amend § 968.4 (a) (1) by deleting "80 cents" and substituting "one dollar ten cents"

5. Amend § 968.4 (a) (2) by deleting "55 cents" and substituting "85 cents"

6. Add to § 968.4 (b) the following: *"Provided,* That during the months of July and August 1947 the Class I price shall be not less than $4.50 per hundredweight and the Class II price shall not be less than $4.25 per hundredweight and provided that during the months of September through December 1947 the Class I price shall not be less than $5.00 and the Class II price shall not be less than $4.75."

7. Amend § 968.5 (a) by deleting the word "7th" and substituting "5th"

8. Amend § 968.7 (b) by deleting the words "10th" and substituting "8th"

9. Amend § 968.8 (a) by deleting the word "12th" and substituting the word "10th"

10. Amend § 968.8 (e) by deleting the words "12th" and substituting the word "10th"

11. Amend § 968.8 (b) by deleting the word "27th" and substituting the word "25th"

12. Amend § 968.8 (f) (1) and (2) by deleting the word "12th" and substituting the word "10th"

13. Amend § 968.6 (e) by adding "either direct from producers or at the plant of another handler at the Class I price"

14. Delete § 968.9 *Base rating* and substitute:

(a) *Determination of period base.* For the delivery periods of each calendar year, the base of each producer shall be a quantity of milk calculated by the market administrator in the following manner: multiply the applicable figure computed pursuant to paragraphs (b) (1) (b) (2) or (b) (3) of this section by the number of days during such delivery period on which milk was received from such producer.

(b) *Determination of daily base.* (1) Effective for the delivery periods of each year the daily base of each producer, who regularly delivered milk to a handler during the next previous delivery periods of August, September, October, and November shall be computed by the market administrator in the following manner:

(i) Determine for each such producer his average daily delivery of milk to a handler for the time he delivered during the period from the next previous August 1 to November 30.

(2) Effective for the delivery periods of each year, the daily base of each producer who did not regularly deliver milk to a handler during the next previous delivery periods of August, September, October, and November but who began deliveries of milk to a handler subsequent to August 31 shall be computed by the market administrator in the following manner:

(i) For each delivery period from the date upon which the producer first delivers milk to a handler until the end of the next full calendar year the market administrator shall multiply such producer's daily average deliveries of milk during each period by that percentage that total Class I and Class II sales are to total deliveries of all producers.

(3) In case of a handler who is also a producer and who disposes of all of his delivery routes to another handler who is not a producer, the market administrator shall determine the daily average of the total sales of Class I milk and Class II milk by such producer during the preceding three months. The figures so determined shall be such producer's base until his base may be established pursuant to subparagraph (1) of this paragraph.

(4) If during any delivery period the total base milk delivered by all producers does not equal 100 percent of Class I and Class II sales for the delivery period, the market administrator shall add thereto, as emergency base, in the case of each producer who delivered milk in excess of his base, the percent of his excess milk which is the percent of total excess milk needed to bring total base deliveries up to approximately 100 percent of Class I and Class II sales.

(c) *Base rules.* (1) Any producer who ceases to deliver milk to a handler for a period of more than 30 consecutive days shall forfeit his base. In the event such producer thereafter commences to deliver milk to a handler he shall be allotted a daily base computed in the manner provided in paragraphs (b) (1) or (b) (2) of this section.

(2) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle when such share basis is terminated.

(3) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another; *Provided,* That at the beginning of a tenant and landlord relationship the base of each landlord and tenant may be combined and may be divided when such relationship is terminated.

(4) Base may be transferred only under the following conditions: (i) In case of the death of a producer, his base may be transferred to a surviving member or members of his family who carry on the dairy operation, and (ii) on the retirement of a producer, his base may be transferred to an immediate member of his family who carries on the dairy operations.

(5) The base of two producers may be combined in the case of forming a partnership, or may be divided in the case of the dissolution of a partnership.

(6) For the purposes of this section only, the term "producer" shall include any person who has been a producer as defined in § 968.1 (e), but whom the Wichita Board of Health has suspended temporarily for failure to produce milk in conformity with the applicable health regulations of the City of Wichita, Kansas.

Proposed by Wichita handlers.

1. Amend § 968.3 *Classification of milk* by striking out all of paragraph (a) and inserting in lieu thereof a provision for the classification of milk, skim milk and butterfat received from producers and disposed of by a handler to another handler or nonhandler on the basis of the actual use thereof by the transferee.

2. Amend § 968.3 (b) by striking out subparagraphs (1), (2), (3) and inserting in lieu thereof the following:

(b) *Classes of utilization.* (1) Class I milk shall be all milk and skim milk disposed of in the form of milk or in the form of flavored milk drinks containing more than 1 percent butterfat and all milk not specifically accounted for as Class II or Class III milk.

(2) Class II milk shall be all milk except skim milk used to produce cream (for consumption as cream, including any cream product in fluid form which contains 6 percent or more of butterfat) flavored milk drinks containing not more than 1 percent butterfat, buttermilk and aerated cream.

(3) Class III milk shall be all milk and skim milk used to produce butter, cheese, evaporated milk, condensed milk, ice cream, ice cream mix, eggnog, creamed cottage cheese; used for wholesale baking and candy making purposes; accounted for as salvage from products where the recovery of fat is impossible; dumped milk; skim milk or buttermilk disposed of for livestock feed; not accounted for but not in excess of 3 percent of the total receipts of butterfat other than receipts from other handlers; and as used to produce a milk product other than those specified in Class I or Class II milk.

3. Amend § 968.4 *Minimum prices* as follows:

a. Provide for the purchasing of milk on a 3.5 percent butterfat basis.

b. Provide for the separate classification and pricing of butterfat and skim milk.

c. Provide for a Class I premium of 80 cents per hundredweight over the basic formula price.

d. Provide for a Class II price of 35 cents per hundredweight below the Class I price.

e. Provide for a basic formula price for milk of 3.5 percent butterfat content determined by the arithmetical average of (1) the average paying price of the 18 northern condenseries and (2) the average paying price of the 5 local manufacturing plants presently used to determine the Class II price.

4. Amend § 968.7 and § 968.8 to provide for an even production incentive plan by having the market administrator withhold 20 cents per hundredweight from the producers prices in the months of April, May and June and the paying back of such in July, August and September of each year commencing in 1948.

5. Amend § 968.4 by adding a new paragraph (b) to read as follows:

(b) *Out of area milk.* Whenever the supply of producer milk available to handlers is in excess of 110 percent of Class I and Class II requirements, the price to be paid by a handler for Class I milk disposed of outside of the marketing area shall be the price which is being paid for milk of equivalent use in the market where such milk is disposed of; *Provided however* That such price as ascertained by the market administrator shall not be lower than the Class I price within the marketing area minus 45 cents.

6. Amend § 968.6 (e) by striking out all of said paragraph and inserting in lieu thereof the following:

(e) The provision of paragraphs (b) (c) (d) of this section above shall not apply (1) if the handlers can prove to the market administrator that such milk or butterfat was used only to the extent that milk of producers was not available, and (2) until after the market administrator has subtracted 10 percent of the Class I and Class II sales to cover returns of products in these classes.

7. Amend § 968.10 (a) by deleting the last sentence thereof.

Proposed by the Dairy Branch, Production and Marketing Administration, United States Department of Agriculture.

1. Amend § 968.7 *Determination of uniform price to producers* by deleting subparagraph (5) of paragraph (b) and substituting therefor the following:

(5) Compute the total value of the milk which is in excess of the delivered base of producers computed pursuant to subparagraph (4) of this paragraph and which is included in the computation pursuant to paragraph (a) of this section as follows: (i) Determine the classification of milk in excess of base by allocating such milk first to Class III milk and then to each succeeding higher classification until all such milk has been classified, (ii) multiply the total pounds of excess milk allocated to each class by the appropriate class-prices provided in paragraph (a) of § 968.4, and (iii) add together the resulting amounts.

2. Delete the proviso in paragraph (a) of § 968.9.

Proposed by Beatrice Foods Company.

1. Amend § 968.1 (f) to read as follows:

(f) "Handler" means any person who on his own behalf or on behalf of others, disposes of as Class I or Class II milk in the marketing area all, or a portion of the milk purchased or received by him at an approved plant from (1) producers, (2) his own production, and (3) other handlers. This definition shall include a cooperative association with respect to milk which it causes to be delivered from a producer to a plant from which no milk is disposed of as Class I milk or as Class II milk, in the marketing area. This definition shall not, however, include a peddler distributor who buys milk in bottle form from a handler and who neither bottles milk nor receives milk in unbottled form.

2. Amend § 968.1 to add a new paragraph (j) to read as follows:

(j) "Milk products" or "dairy products" as used herein shall mean any product manufactured from milk or milk ingredients other than those manufactured products which are disposed of in the form in which received without further processing.

3. Amend § 968.1 by adding a new paragraph (k) to read as follows:

(k) An "approved plant" means any milk plant or section of a milk or dairy manufacturing plant approved by health authorities of the City of Wichita for the handling of milk to be disposed of for fluid consumption as milk in the marketing area and currently used for any or all of the function of receiving, weighing (or measuring), sampling, cooling, pasteurizing or other preparation of milk for sale or disposition as milk or cream for fluid consumption in the marketing area.

4. Amend § 968.3 (a) to read as follows:

§ 968.3 *Classification of milk*—(a) *Basis of classification.* All milk and milk products produced or received by each handler, including milk of a producer which a cooperative association causes to be delivered to a plant from which no milk is disposed of as Class I milk or Class II milk in the marketing area, shall be reported by the handler in the classes set forth in (b) of this section; *Provided,* That:

(1) Any milk moved as fluid milk from an approved plant to any point outside of a 100-mile radius of the City of Wichita shall be Class I milk;

(2) Any milk moved as fluid cream beyond a radius of 100 miles shall be classified as Class II milk; *Provided, however,* That the market administrator shall be authorized to accept a sworn affidavit from the operator of the receiving plant as to the usage of any milk moved as cream and the market administrator shall not be required to make further verification of the usage of such cream and shall classify the milk so shipped as cream, based upon the reported usage at the receiving plant;

(3) Any milk, skim milk, or cream sold or disposed of by the handler to the plant of a nonhandler who does not distribute fluid milk or cream on wholesale or retail routes shall be Class III milk regardless of the location of such nonhandler; and

(4) Any milk moved from an approved plant of a handler to an approved plant of another handler shall be reported as Class I milk if moved as fluid milk, and shall be reported as Class II milk if moved as fluid cream, unless utilization of another class is indicated in writing to the milk administrator on or before the tenth day after the end of the delivery period within which such transfer was made, but in no event shall the amount so reported in any class exceed the total use in such class by the receiving handler.

5. Amend § 968.3 (d) (1) and (2) to read as follows:

(1) Determine the total pounds of milk received as follows: Add together the total pounds of milk received at the approved plant of the handler from (i) producers, (ii) own farm production, (iii) other handlers, and (iv) other sources.

(2) Determine the total pounds of butterfat received as follows: (i) Multiply by its average butterfat test the weight of milk received at the approved plant of the handler from (*a*) producers, (*b*) own farm production, (*c*) other handlers, (*d*) other sources, and (ii) add together the resulting amount.

6. Amend § 968.3 (d) (3) by adding after the words "2.15 pounds per quart" the following words: (in the case of flavored milk for flavored milk drink two pounds per quart).

7. Amend § 968.3 (e) (2) to read as follows:

(2) If the total utilization of milk in the various classes for any handler as computed pursuant to paragraph (d) (6) of this section is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Class II for such handler by an amount equal to the difference between the receipts from producers and the total utilization of milk by classes for such handler.

8. Amend § 968.5 (a) to read as follows:

§ 968.5 *Reports of handlers*—(a) *Periodic reports.* On or before the 7th day after the end of each delivery period each handler who purchased or received milk from sources other than his own production or other handlers shall, with respect to milk or dairy products which were purchased, or received at an approved plant, produced by such handler during such delivery period, report to the market administrator in the detail and form prescribed by the milk administrator, as follows:

9. Amend § 968.5 (d) in part to read as follows:

(d) *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose disposition of milk the classification depends, *Provided, however,* That the market administrator may accept the sworn affidavit of any person to whom milk in the form of fluid cream has been shipped beyond a radius of 100 miles and upon whose disposition of milk the classification of milk depends

10. Amend § 968.6 by deleting paragraphs (b) (c) and the last sentence of paragraph (d)

11. Amend § 968.8 (g) by adding the following sentence: "Whenever verification by the market administrator of the payment by a handler to any purchaser for milk purchased or received by such handler at an approved plant discloses an erroneous payment to such purchaser in excess of that required by this section, such handler may deduct the amount of the excess from the payment to the purchaser next following such disclosures and report the same to the market administrator."

Copies of this notice of hearing may be procured from Mr. M. M. Morehouse, Market Administrator, 311 North Washington Avenue, Wichita 2, Kansas, or from the Hearing Clerk, United States Department of Agriculture, Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: July 11, 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator

[F. R. Doc. 47-6651; Filed, July 15, 1947; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Chap. V]

MINIMUM WAGE RATES FOR EMPLOYEES IN VARIOUS INDUSTRIES

REVISED NOTICE OF PUBLIC HEARING TO RECEIVE EVIDENCE FOR RECOMMENDATION

Whereas, on June 20, 1947, there was published in the FEDERAL REGISTER a notice of hearing to be held in Puerto Rico beginning July 14, 1947 before Special Industry Committee No. 5 for Puerto Rico; and

Whereas, on July 2, 1947, Administrative Order No. 367, dated June 16, 1947, appointing Special Industry Committee No. 5 for Puerto Rico was amended by Administrative Order No. 369 so as to extend the scope of the Committee's investigation to include the Leather and Skin Products Division of the Leather, Textile, Rubber, Straw, and Related Products Industries in Puerto Rico, and to as to charge the Committee with the duty of recommending minimum wage rates for employees in that Division;

Now, therefore, the above notice of hearing is hereby amended so as to add the Leather and Skin Products Division of the Leather, Textile, Rubber, Straw, and Related Products Industries in Puerto Rico to the list of industries concerning which the special industry committee will receive evidence for the purpose of recommending minimum wage rates. All of the provisions of the original notice of hearing, including those relating to the filing of a notice of intention to appear, are applicable to any person desiring to appear or submit material in connection with the said Division, with the exception that the period of time for filing of notice of intention to appear is extended to July 21, 1947.

Signed at San Juan, Puerto Rico, this 9th day of July 1947.

ANTONIO J. COLORADO,
Chairman, Special Industry Committee No. 5 for Puerto Rico.

[F. R. Doc. 47-6682; Filed, July 15, 1947; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 41]

FLIGHT NAVIGATOR CERTIFICATES

JULY 11, 1947.

Section 41.330 of the Civil Air Regulations requires that "In all operations where celestial navigation is necessary, either as a primary or secondary means of navigation, at least one member of the flight crew must hold a flight navigator certificate issued in accordance with the provisions of Part — (In preparation.)" New Part 34 providing for the certification of flight navigators will become effective August 1, 1947.

The Civil Aeronautics Board finds that it will require a period of several months for the preparation of necessary examinations by the Administrator and for interested flight navigators in the various parts of the world to be given an opportunity to accomplish the examinations necessary for the issuance of flight navigator certificates under Part 34.

It is proposed to amend Part 41 of the Civil Air Regulations as follows:

1. By amending § 41.330 to read as follows:

§ 41.330 *When required.* In all operations where celestial navigation is necessary, either as a primary or secondary means of navigation, at least one member of the flight crew must be a flight navigator.

2. By adding a new § 41.332 to read as follows:

§ 41.332 *Certificate.* Effective November 15, 1947, each flight navigator shall hold a valid flight certificate issued in accordance with the provisions of Part 34.

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

It is the desire of the Bureau that those interested offer suggestions and comments regarding the proposed amendments. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt not later than 15 days after the date of this public notice.

(52 Stat. 984; 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

JOHN M. CHAMBERLAIN,
Acting Director

[F. R. Doc. 47-6680; Filed, July 15, 1947; 8:47 a. m.]

[14 CFR, Part 61]

FLIGHT NAVIGATOR CERTIFICATES

JULY 11, 1947.

Part 61 of the Civil Air Regulations makes no provision requiring flight navigators. It is contemplated that such provision will be made in the proposed revision of this part.

The new Part 34, covering rules for the certification of flight navigators, will become effective August 1, 1947. It will require a period of several months after this effective date for the preparation of necessary examinations by the Administrator and for interested flight navigators to be given an opportunity to accomplish the examinations necessary for the issuance of flight navigator certificates under Part 34. An amendment to Part 61 of the Civil Air Regulations should be promulgated to be consistent with Part 41.

It is therefore proposed to amend Part 61 of the Civil Air Regulations by adding the following sections:

§ 61.57 *Flight navigator*

§61.570 *Certificate.* Effective November 15, 1947, each flight navigator shall hold a valid flight navigator certificate issued in accordance with the provisions of Part 34.

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

It is the desire of the Bureau that those interested offer suggestions and comments regarding the proposed amendments. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt not later than 15 days after the date of this public notice.

(52 Stat. 984; 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

JOHN M. CHAMBERLAIN,
Acting Director

[F. R. Doc. 47-6679; Filed, July 15, 1947; 8:47 a. m.]

NOTICES

TREASURY DEPARTMENT

Fiscal Service: Bureau of the Public Debt

[1947 Dept. Cir. 696, Amdt. 2]

TREASURY SAVINGS NOTES, SERIES C

TAXATION

JULY 3, 1947.

In order to conform to the language of Public Act No. 116 of the 80th Congress, section II, paragraph 6 of Department Circular No. 696, First Revision, as amended (filed with the Division of the Federal Register, November 23, 1943) is hereby revised to read as follows:

6. *Taxation.* Income derived from the notes shall be subject to all taxes imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The notes shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

[SEAL] JOHN W SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-6639; Filed, July 15, 1947; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9258]

HERMAN REICHENBERGER

In re: Estate of Herman Reichenberger, deceased. D-28-9774; E. T. sec. 13736.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Reichenberger and Werner Reichenberger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the sum of $2,518.32 was paid to the Attorney General of the United States by Annie Vollmer, Administratrix of the Estate of Herman Reichenberger, deceased;

3. That the said sum of $2,518.32 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on May 21, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-6655; Filed, July 15, 1947; 8:49 a. m.]

[Vesting Order 9274]

WILLIAM AND ELIZABETH HARTWIG

In re: Stock owned by and debt owing to William Hartwig and Elizabeth Hartwig. F-28-6296-D-1, F-28-6296-D-2, F-28-6296-D-3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Hartwig and Elizabeth Hartwig, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy countrl (Germany)

2. That the property described as follows:

a. One hundred (100) shares of $10.00 par value common capital stock of Tide Water Associated Oil Co., 17 Battery Place, New York 4, New York, a corporation organized under the laws of the State of Delaware, evidenced by Certificate Numbered NC-13654, and registered in the name of William Hartwig, together with all declared and unpaid dividends thereon,

b. Fourteen (14) shares of $1.00 par value common capital stock of The Pennroad Corporation, 1400 Delaware Trust Building, Wilmington 28, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by Certificate Numbered W110605, and registered in the name of William Hartwig, together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation represented by three (3) Income Share Certificates of $1,000 face value each, issued by The Fourteenth Ward Building and Loan Association of the City of Newark, said certificates bearing the numbers 9275A, 9276A and 9277A and registered in the names of William Hartwig and Elizabeth Hartwig, and any and all rights under a Plan of Reorganization and Merger of The Fourteenth Ward Building and Loan Association of the City of Newark with other Associations to form the Hayes Savings and Loan Association, dated November 12, 1942, including particularly the right of exchange for an insured account in the Hayes Savings and Loan Association and a Certificate of Interest numbered L-691, issued by The Fourteenth Ward Building and Loan Association of the City of Newark, Liquidating Corporation, together with any and all accruals to the aforesaid debt, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-6656; Filed, July 15, 1947; 8:49 a. m.]

[Vesting Order 9277]

MOTTAU AND LEENDERTZ

In re: Debt owing to Mottau & Leendertz. F-28-429-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mottau & Leendertz, the last known address of which is Krefeld, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to Mottau & Leendertz, by L. F. Dommerich & Co., 271 Madison Avenue, New York 16, N. Y., in the amount of $3,548.19, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be held, used, administered, liquidated, sold or otherwise deal with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-6657; Filed, July 15, 1947; 8:49 a. m.]

[Vesting Order 9288]

WILLIAM B. BOSWELL ET AL.

In re: William B. Boswell et al. vs. Eugene Hailman et al. File No. D-28-2148; E. T. sec. 2728.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hanna Koeble, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the sum of $1,853.39 was paid to the Attorney General of the United States by the Bonded Commissioner of Sale, Hugh B. Marsh.

3. That the said sum of $1,853.39 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on May 20, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-6658; Filed, July 15, 1947; 8:49 a. m.]

[Vesting Order 9294]

MAX FIEGEL

In re: Bank account owned by Max Fiegel. F-39-346-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Fiegel, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation owing to Max Fiegel, by Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco 20, California, arising out of a Savings Account, Account Number 5409, entitled Max Fiegel, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-6659; Filed, July 15, 1947; 8:49 a. m.]

[Vesting Order 9295]

ROBERT FORBERG

In re: Debt owing to Robert Forberg. F-28-4509-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert Forberg, whose last known address is Karlstrasse 10, Leipzig, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Robert Forberg by Carl Fischer, Incorporated, 56-62 Cooper Square, New York 3, New York, in the amount of $1231.51, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6660; Filed, July 15, 1947; 8:50 a. m.]

[Vesting Order 9299]

KOSMOS EXPORT

In re: Debt owing to Kosmos Export. F-28-11708-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kosmos Export, the last known address of which is Groeningerstrasse 10,

Hamburg 8, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Kosmos Export, by Firestone International Company, Akron 17, Ohio, in the amount of $1,379.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-6661; Filed, July 15, 1947; 8:50 a. m.]

[Vesting Order 9300]

IHEI KUZUHARA

In re: Bank account owned by Ihei Kuzuhara. D-39-192-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ihei Kuzuhara whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, arising out of a checking account, entitled Ihei Kuzuhara, or Paul L. Phelan, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ihei Kuzuhara, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6662; Filed, July 15, 1947; 8:50 a. m.]

[Vesting Order 9302]

ANNA MEYER

In re: Bank account owned by Anna Meyer. F-28-28294-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Meyer whose last known address is Zittau, Saxony, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation of The Seamen's Bank For Savings, 74 Wall Street, New York 5, New York, arising out of a Savings Account, Account Number 894,247, entitled Gustav E. Meyer, in trust for Anna Meyer, maintained at the said bank and any and all rights to demand, enforce and collect same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Meyer, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-6663; Filed, July 15, 1947; 8:50 a. m.]

[Vesting Order 9303]

MINNA MUELLER AND SOPHIE NAEWY

In re: Bank accounts owned by Minna Mueller and Sophie Naewy, also known as Sophia Naewy. F-28-13176-E-1, F-28-13200-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minna Mueller and Sophie Naewy, also known as Sophia Naewy, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows:

a. That certain debt or other obligation owing to Minna Mueller, by Bank of America National Trust and Savings Association, 660 South Spring Street, Los Angeles 12, California, arising out of a Savings Account, account number 105899, entitled Minna Mueller, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Sophie Naewy, also known as Sophia Naewy, by Bank of America National Trust and Savings Association, 660 South Spring Street, Los Angeles 12, California, arising out of a Savings Account, account number 105878, entitled Sophia Naewy, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid

nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-6664; Filed, July 15, 1947; 8:50 a. m.]

[Vesting Order 9305]

JEAN PIERRE SCHMIDT

In re: Bank account owned by Jean Pierre Schmidt. F-28-570-E-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jean Pierre Schmidt, whose last known address is 14 11 Heraeus Strasse, Hanau, a/M, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Jean Pierre Schmidt, by Dry Dock Savings Institution, 341 Bowery, New York 3, New York, arising out of a Savings Account, account number 782411, entitled Jean Pierre Schmidt, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-6665; Filed, July 15, 1947; 8:50 a. m.]

[Vesting Order 9306]

HERMANN SEIBERT

In re: Bank accounts owned by Hermann Seibert. D-28-6079-C-1, D-28-6079-E-1, D-28-6079-E-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Seibert whose last known address is Lauterbach, Hessen, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. That certain debt or other obligation owing to Hermann Seibert by The Bank of Westchester, 124 Chatsworth Avenue, Larchmont, New York, arising out of an interest account, Account Number 6930, entitled Hermann Seibert, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Hermann Seibert by New Rochelle Trust Company, 542 Main Street, New Rochelle, New York, arising out of a savings account, Account Number 45717, entitled Hermann Seibert, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-6666; Filed, July 15, 1947; 8:50 a. m.]

[Vesting Order 9307]

EMIL SEIDEL

In re: Savings account owned by Emil Seidel. F-28-590-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emil Seidel, whose last known address is Schleizer Strasse 12, Pohsneck 15, Thuringia, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to Emil Seidel by Monroe Savings and Loan Association of Newark, 218 Washington Street, Newark, New Jersey arising out of a savings account entitled Emil Seidel, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-6667; Filed, July 15, 1947; 8:50 a. m.]

[Vesting Order 9313]

KARL BUSSE

In re: Real property and property insurance policy owned by Karl Busse.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Busse, whose last known address is Brehme, Kreis Worbus Schmiedegasse, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Real property situated in the County of Prince Georges, State of Maryland, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership or such property.

b. All right, title and interest of Karl Busse, in and to Fire Insurance Policy No. 423199, issued by Royal Insurance Company, Ltd., 150 William Street, New York, New York, in the name of Estate of Marie Busse, which policy expires on June 9, 1948, and insures the property described in subparagraph 2-a hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that piece, parcel or tract of land, situate, lying and being in the County of Prince Georges, State of Maryland, described as follows, to wit:

All that part of Snowdens New Birmingham Manor, described as follows: Beginning at a stone at the Northwest corner of the Laurel Road and the Muirkirk Road thence North 4 degrees West 16.20 chains to a stone, North 89¾ degrees West 14.58 chains to a stone thence South 42 degrees West 3.39 chains to the center of the Muirkirk road (stone on East side of same) thence with the centre of road South 35½ degrees East 15 chains South 50¾ degrees East 2 chains to the forks of the road (stone on Northeast side of road) thence with the center of the said road South 83½ degrees East 7.53 chains to the beginning, all courses are magnetic and the variation is 3 degrees 45 minutes West containing twenty (20) acres more or less, being the same property conveyed to the said James C. Louthan by deed from Helen S. Plummer ea al dated August 11th, 1897 and recorded in Liber J. W. B. No. 49, Folio 772, one of the Land Records of said County.

Subject to the easement and right of way over a portion of the foregoing land conveyed by Marea Busse to Washington Suburban Sanitary Commission, by deed, dated May 29, 1942, and recorded June 2, 1942, in Liber 654 at folio 113, Land Records of Prince Georges County, Maryland, and

Saving and Excepting from the said lands such portion of land conveyed by Marea Busse to Otway B. Zantzinger, Jr., and John M. King, by deed dated August 30, 1945, and recorded October 16, 1945, in Liber 737 at folio 89, Land Records of Prince Georges County, Maryland.

[F. R. Doc. 47-6668; Filed, July 15, 1947; 8:51 a. m.]

[Dissolution Order 59]

HEIDELBERG PRINTING MACHINERY CORP.

Whereas, by Vesting Order Number 65, dated July 28, 1942 (7 F. R. 7045, September 5, 1942), there were vested all the issued and outstanding shares of the capital stock of Heidelberg Printing Machinery Corporation, a New York corporation; and

Whereas, the Heidelberg Printing Machinery Corporation has been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claim, if any, as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a certificate of dissolution having been issued by the Secretary of State of the State of New York;

hereby orders, that the officers and directors of Heidelberg Printing Machinery Corporation (to wit, Martin S. Watts, President and Director, Stanley B. Reid, Secretary and Director, Francis J. Carmody, Treasurer and Director, L. M. Reed, Director, Robert Kramer, Director, Angelo Dispenzere, Director, and Henry S. Sellin, Director, and their successors, or any of them) continue the proceedings for the dissolution of Heidelberg Printing Machinery Corporation; and further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, State, and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first, in satisfaction of such claims, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and second, as a liquidating distribution of assets to the Attorney General of the United States, as holder of all the issued and outstanding stock of the corporation; and

further orders, that nothing herein set forth shall be construed as prejudicing the right, under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder: *Provided, however* That nothing herein contained shall be construed as creating additional rights in such person: *Provided, further* That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of Heidelberg Printing Machinery Corporation pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph

numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 11th day of July 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-6672; Filed, July 15, 1947; 8:51 a. m.]

[Dissolution Order 60]

OSTRAM CORP.

Whereas, by Vesting Order No. 1469, dated May 15, 1943 (8 F R. 8572, June 22, 1943) there were vested all the issued and outstanding shares of the capital stock of Ostram Corporation, a New York corporation; and

Whereas, Ostram Corporation has been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claims, if any, as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation; and except a claim in the sum of $8,171.63, representing an account payable to A. Ultraferramenta, Ltda., Rio de Janeiro, Brazil, a national of a foreign country; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a Certificate of Dissolution having been issued by the Secretary of State of the State of New York;

hereby orders, that the officers and directors of Ostram Corporation (to wit, Francis J. Carmody, President and Director, Robert Kramer, Treasurer and Director, and M. S. Watts, Secretary and Director and their successors, or any of them) continue the proceedings for the dissolution of Ostram Corporation; and further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, State, and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay the abovementioned account payable to a national of a foreign country to the Custody and Clearance Section, Office of the Executive Officer of the Office of Alien Property, Department of Justice, for safekeeping. Such payment shall not transfer title to such account to the Attorney General but such account shall be subject to his authorization. The payment of the said account as herein directed to the Custody and Clearance Section, Office of the Executive Officer of the Office of Alien Property, Department of Justice, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of Ostram Corporation; and

(d) They shall then pay over, transfer, assign, and deliver to the Attorney General of the United States, all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first, in satisfaction of such claims, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and second, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and

further orders, that nothing herein set forth shall be construed as prejudicing the right, under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder; *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person; *Provided, further* That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of Ostram Corporation, pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 11th day of July 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6673; Filed, July 15, 1947; 8:51 a. m.]

[Dissolution Order 61]

RIBERENA FUEL & CHARTERING CO., INC.

Whereas, by Vesting Order Number 477, dated December 11, 1942 (8 F. R. 1293, January 29, 1943) amended April 10, 1943 (8 F R. 4937, April 16, 1943) there were vested all the issued and outstanding shares of the capital stock of Riberena Fuel & Chartering Company, Inc., a New York corporation, and by Supervisory Order No. 115, dated December 12, 1942, there were undertaken the direction, management, supervision and control of said Riberena Fuel & Chartering Company, Inc.; and

Whereas, by said Vesting Order No. 477, there were also vested all right, title, interest and claim of "Riberena del Plata" Sudamericana de Comercio, S. A., Buenos Aires, Argentina, in and to all indebtedness owing to it by Riberena Fuel & Chartering Company, Inc., and it has been determined that a certain claim in the total amount of $1,200.00 was thereby vested; and

Whereas, the Riberena Fuel & Chartering Company, Inc. has been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claims if any as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation; and except the claim of "Riberena del Plata" Sudamericana de Comercio, S. A., in the amount of $1,200.00 which has been vested as aforesaid; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a Certificate of Dissolution having been issued by the Secretary of State of the State of New York;

hereby orders, that the officers and directors of Riberena Fuel & Chartering Company, Inc. (to wit, Lewis M. Reed, President and Director, Martin S. Watts, Secretary and Director, and Milton Yanowich, Treasurer and Director, and their successors, or any of them) continue the proceedings for the dissolution of Riberena Fuel & Chartering Company, Inc., and further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, state, and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States, all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first, in satisfaction of the vested claim against the corporation in the amount of $1,200.00, as hereinbefore described, and second, in satisfaction of such claims, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and third, as a liquidating distribution of assets to the Attorney General of the United States, as holder of all the issued and outstanding stock of the corporation; and

Further orders, that nothing herein set forth shall be construed as prejudicing the right, under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the

Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder; *Provided, however* That nothing herein contained shall be construed as creating additional rights in such person; *Provided, further* That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of Riberena Fuel & Chartering Company, Inc., pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 11th day of July 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-6674; Filed, July 15, 1947; 8:52 a. m.]

[Return Order 28]

HERMAN H. FRISCHER AND KARL W. POSNANSKY

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith; [1]

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

Claimant and Claim Number, Notice of Intention to Return Published, and Property

Herman H. Frischer, New York, N. Y., claim No. A-170; 12 F. R. 3472, May 28, 1947; Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent Nos. 1,711,638; 1,733,152; 1,754,156; 1,834,693; 1,910,101; 1,924,312 and 1,939,890, to the extent owned by claimant immediately prior to the vesting thereof.

Karl W. Posnansky, Stamford, Conn., claim No. A-266; 12 F. R. 3471, May 28, 1947; Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent No. 2,152,185, to the extent owned by claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 11, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-6675; Filed, July 15, 1947; 8:52 a. m.]

[1] Filed as part of the original document.

[Return Order 29]

EMMA LOCHNER

Having considered the claim set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith; [1]

It is ordered, That the claimed property, described below and in the Determinations and Allowance, subject to any increase or decrease resulting from the administration thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published, and Property

Emma Lochner, Rokville Center, N. Y., claim No. 2393; 12 F. R. 3471, May 28, 1947; $12,853.58 in the Treasury of the United States, representing property and proceeds of property vested by Vesting Orders Nos. 2197, as amended (8 F. R. 15338, November 9, 1943; 9 F. R. 819, January 21, 1944); and 6248 (11 F. R. 5553, May 22, 1946).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 11, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6676; Filed, July 15, 1947; 8:52 a. m.]

HELENE ZENTGRAFT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, and Property and Location

Helene Zentgraf, Warrington, Pa., 5749; $3,442.54 in the Treasury of the United States, beneficial life interest of Helene Zentgraf under testamentary trust of Emma Ruckgaber, Richmond, N. Y., trustee, the Continental Bank & Trust Co., New York, N. Y.

Executed at Washington, D. C., on July 11, 1947.

For the Attorney General.

DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-6677; Filed, July 15, 1947; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WYOMING

NOTICE FOR FILING OBJECTIONS TO THE INCLUSION OF CERTAIN LANDS IN STOCK DRIVEWAY WITHDRAWAL NO. 128, WYOMING NO. 13

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the order of the Secretary of the Interior dated July 7, 1947, so far as that order adds the NE¼NE¼, sec. 10, NW¼NE¼, N½NW¼, sec. 11, T. 37 N., R. 86 W., and lot 4, sec. 1, T. 36 N., R. 87 W., 6th P. M., to Stock Driveway Withdrawal No. 128, Wyoming No. 13, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the withdrawal should be rescinded, modified, or let stand, will be given to all interested parties of record and the general public.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

JULY 7, 1947.

[F. R. Doc. 47-6624; Filed, July 15, 1947; 8:47 a. m.]

WYOMING

STOCK DRIVEWAY WITHDRAWAL NO. 128, WYOMING NO. 13, MODIFIED

By virtue of the authority contained in section 7 of the act of June 28, 1934, 48 Stat. 1272, as amended by the act of June 26, 1936, 49 Stat. 1976 (U. S. C. Title 43, Sec. 315f), and in section 10 of the act of December 29, 1916, 39 Stat. 865, as amended by the act of January 29, 1929, 45 Stat. 1144 (U. S. C., Title 43, Sec. 300), it is ordered as follows:

The following-described public lands in Wyoming are hereby classified as necessary and suitable for the purpose and, excepting any mineral deposits therein, are withdrawn from all disposal under the public-land laws and reserved, subject to valid existing rights, for the use of the general public as an addition to stock Driveway Withdrawal No. 128, Wyoming No. 13:

SIXTH PRINCIPAL MERIDIAN

T. 37 N., R. 86 W.,
Sec. 10, NE¼NE¼,
Sec. 11, NW¼NE¼ and N½NW¼.
T. 36 N., R. 87 W.,
Sec. 1, lot 4.

The areas described aggregate 191.67 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and such regulations as have been or may be issued thereunder.

The order of the Secretary of the Interior of March 18, 1920, establishing Stock Driveway Withdrawal No. 128, Wyoming No. 13, is hereby revoked so far as it affects the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 37 N., R. 86 W.,
Sec. 30, lot 1, W½NE¼, NE¼NW¼, NE¼SW¼, and NW¼SE¼.

The area described contains 239.71 acres.

WILLIAM E. WARNE,
Assistant Secretary of the Interior

JULY 7, 1947.

[F. R. Doc. 47-6623; Filed, July 15, 1947; 8:47 a. m.]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 167, ENLARGED

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C. Title 49, sec. 214) it is ordered as follows:

Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public-land laws, for the use of the Civil Aeronautics Administration, Department of Commerce, as an addition to Air-Navigation Site Withdrawal No. 167 near Gulkana, Alaska, established and modified by departmental orders of October 1, 1941, February 14, 1942, and March 4, 1947.

COPPER RIVER MERIDIAN

T. 4 N., R. 1 W.,
Sec. 6, NW¼.
T. 5 N., R. 1 W.,
Sec. 31, S½.

The areas described aggregate 459.69 acres.

This land is subject to a withdrawal for the use of the War Department established by Public Land Order No. 255 of December 15, 1944, so long as that order remains unrevoked.

It is intended that the public lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

WILLIAM E. WARNE,
Assistant Secretary of the Interior

JULY 8, 1947.

[F. R. Doc. 47-6618; Filed, July 15, 1947; 8:46 a. m.]

[Misc. 2015922]

ARIZONA

RESTORATION ORDER NO. 1179 UNDER FEDERAL POWER ACT

JULY 8, 1947.

Pursuant to the determination of the Federal Power Commission (DA-83 and DA-85, Arizona) and in accordance with the Departmental regulations of August 16, 1946 (43 CFR 4.275 (16) 11 F R. 9080), it is ordered as follows:

The lands hereinafter described, being withdrawn for Power Site Reserves Nos. 96 and 188, and Power Project No. 306, are hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063) as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818)

At 10:00 a. m. on September 9, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 10, 1947 to December 9, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from August 21, 1947 to September 9, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 10, 1947, shall be treated as simultaneously filed.

(c) *Date for nonpreference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 10, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous nonpreference right filings.* Applications by the general public may be presented during the 20-day period from November 20, 1947 to December 9, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 10, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Phoenix, Arizona.

The lands affected by this order are described as follows:

GILA AND SALT RIVER MERIDIAN

T. 10 N., R. 3 W.,
Sec. 10, SW¼SE¼,
Sec. 11, SE¼SE¼;
Sec. 12, SW¼SW¼,
Sec. 14, SW¼NE¼, S½NW¼, and NW¼NW¼,
Sec. 23, lots 5 and 11;
Sec. 24, N½NE¼, NW¼, and W½SW¼;
Sec. 25, W½.

The areas described aggregate 1,020.50 acres.

These lands are generally rough and broken in character. They are within an arid region and have a sandy clay soil containing much rock.

FRED W JOHNSON,
Director

[F. R. Doc. 47-6619; Filed, July 15, 1947; 8:46 a. m.]

[Misc. 2084343]

IDAHO

RESTORATION ORDER NO. 1222 UNDER FEDERAL POWER ACT

JULY 8, 1947.

Pursuant to the determination of the Federal Power Commission (DA-385, Idaho) and in accordance with the Departmental regulations of August 16, 1946 (43 CFR 4.275 (16), 11 F R. 9080), it is ordered as follows:

The lands hereinafter described, which were withdrawn for Power Site Reserve No. 77 by Executive order of July 2, 1910, and Power Site Classification No. 365 by Departmental order of August 10, 1944, are hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818)

At 10:00 a. m. on September 9, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 10, 1947, to December 9, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of

June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from August 21, 1947 to September 9, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 10, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 10, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous nonpreference right filings.* Applications by the general public may be presented during the 20-day period from November 20, 1947 to December 9, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 10, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Blackfoot, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Blackfoot, Idaho.

The lands affected by this order are described as follows:

BOISE MERIDIAN

T. 6 S., R. 6 E.,
Sec. 5, lots 1, 2, 3, and 4, and N½SW¼,
Sec. 6, lot. 1, and SE¼NE¼.

The areas described aggregate 320.72 acres. These lands adjoin the Snake River, have a level to rolling surface, and a large part thereof could be irrigated if a water supply were obtainable.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-6622; Filed, July 15, 1947; 8:46 a. m.]

[Misc. 2093374]

OREGON

RESTORATION ORDER NO. 1221 UNDER FEDERAL POWER ACT

JULY 8, 1947.

Pursuant to the determination of the Federal Power Commission (DA-353, Oregon) and in accordance with the Departmental regulations of August 16, 1946 (43 CFR 4.275 (16), 11 F. R. 9030), it is ordered as follows:

The land hereinafter described which was withdrawn for Power Site Reserve No. 68 by Executive order of July 2, 1910, is hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063) as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818)

At 10:00 a. m. on September 9, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 10, 1947, to December 9, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from August 21, 1947 to September 9, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 10, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 10, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from November 20, 1947 to December 9, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 10, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at The Dalles, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at The Dalles, Oregon.

The lands affected by this order are described as follows:

WILLAMETTE MERIDIAN

T. 17 S., R. 12 E., sec. 7, NE¼SW¼.

The area described contains 40 acres.

This land is traversed by the Deschutes River, but in general has a rolling surface with a rocky soil, and a vegetation of pinon and juniper timber which has no commercial value.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-6621; Filed, July 15, 1947; 8:46 a. m.]

[Misc. 2130586]

CALIFORNIA

RESTORATION ORDER NO. 1220 UNDER FEDERAL POWER ACT

JULY 8, 1947.

Pursuant to the determination of the Federal Power Commission (DA-644, California) and in accordance with the Departmental regulations of August 16, 1946 (43 CFR 4.275 (16) 11 F. R. 9030) it is ordered as follows:

The land hereinafter described, which was withdrawn for Power Site Reserve No. 83 by Executive Order of July 2,

1910, is hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063) as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818) and subject to the existing right-of-way for any power development which may be on the land.

At 10:00 a. m. on September 9, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 10, 1947, to December 9, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from August 21, 1947 to September 9, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 10, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 10, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous nonpreference right filings.* Applications by the general public may be presented during the 20-day period from November 20, 1947 to December 9, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 10, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Sacramento, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Sacramento, California.

The lands affected by this order are described as follows:

MOUNT DIABLO MERIDIAN,

T. 17 N., R. 7 E., sec. 1, SE¼NW¼.

The area described contains 40 acres.

This land is rough and mountainous, with a rocky soil.

FRED W JOHNSON,
Director

[F. R. Doc. 47-6620; Filed, July 15, 1947; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Admin. Order 370]

SPECIAL INDUSTRY COMMITTEE 5 FOR PUERTO RICO

ACCEPTANCE OF RESIGNATION AND APPOINTMENT

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignation of Mr. Sandalio Alonso from Special Industry Committee No. 5 for Puerto Rico and do appoint in his stead as representative for the employees on such committee, Mr. Gabriel Blanco of San Juan, Puerto Rico.

Signed at Washington this 11th day of July 1947.

WM. R. MCCOMB,
Administrator

[F. R. Doc. 47-6699; Filed, July 15, 1947; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket SA-145]

ACCIDENT NEAR BAINBRIDGE, MD.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 88814 which occurred near Bainbridge, Maryland on May 30, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above entitled proceeding that hearing is hereby assigned to be reconvened on Thursday, July 17, 1947, at 9:30 a. m. (e. d. t.) at the Empire Room, Lexington Hotel, New York, New York.

Dated at Washington, D. C., July 11, 1947.

[SEAL] R. W CHRISP,
Presiding Officer

[F. R. Doc. 47-6678; Filed, July 15, 1947; 8:47 a. m.]

[Docket No. 730 et al.]

BOSTON, NEW YORK, ATLANTA, NEW ORLEANS CASE

NOTICE OF ORAL ARGUMENT

In the matter of applications for certificates and amendments of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on August 4, 1947, at 10:00 a. m., eastern daylight saving time, in Room 5042, Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before the Board.

Dated at Washington, D. C., July 10, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-6647; Filed, July 15, 1947; 8:45 a. m.]

[Docket No. 1906]

ALL AMERICAN AVIATION, INC.

NOTICE OF POSTPONEMENT OF HEARING CONCERNING MAIL RATE FOR ROUTE NO. 49

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of All American Aviation, Inc., over its route No. 49.

Notice is hereby given that the hearing in the above-entitled proceeding, now assigned for July 21, 1947, is postponed to July 28, 1947, at 10:00 a. m. (eastern daylight saving time) in Room 1302, Temporary Building T, Constitution Avenue between 12th and 14th Streets NW., Washington, D. C.

Dated at Washington, D. C., July 10, 1947.

[SEAL] RALPH L. WISER,
Examiner

[F. R. Doc. 47-6646; Filed, July 15, 1947; 8:45 a. m.]

[Docket No. 2539]

NORTHWEST AIRLINES, INC.

NOTICE OF HEARING

In the matter of the petition of Northwest Airlines, Inc., under section 406 of the Civil Aeronautics Act of 1938, as amended, for the fixing and determining of a temporary rate of compensation for

the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over its transpacific operations.

Notice is hereby given that the above matter is assigned to be heard on July 17, 1947, 10 a. m., d. s. t., in Room 1302, Temporary "T" Building, Constitution Ave., between 12th and 14th Streets, N. W., Washington, D. C., before Examiner Frank A. Law, Jr.

Dated Washington, D. C., July 11, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-6649; Filed, July 15, 1947; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-656, G-665]

CITIES SERVICE GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

JULY 10, 1947.

In the matters of Cities Service Gas Company, Docket No. G-656; Frank Haucke and H. A. Amerine, Docket No. G-665.

Notice is hereby given that, on July 9, 1947, the Federal Power Commission issued its findings and order entered July 8, 1947, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-6626; Filed, July 15, 1947; 8:47 a. m.]

[Docket No. G-878]

INTERSTATE NATURAL GAS CO., INC.

NOTICE OF FINDINGS AND ORDER GRANTING PERMISSION AND APPROVAL TO ABANDON CERTAIN FACILITIES

JULY 10, 1947.

Notice is hereby given that, on July 9, 1947, the Federal Power Commission issued its findings and order entered July 8, 1947, granting permission and approval to abandon certain facilities in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-6627; Filed, July 15, 1947; 8:47 a. m.]

[Docket No. G-880]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF ORDER FURTHER AMENDING PRIOR ORDER ISSUING TEMPORARY CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JULY 10, 1947.

Notice is hereby given that, on July 8, 1947, the Federal Power Commission issued its order entered July 8, 1947, further amending prior order issuing temporary certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-6628; Filed, July 15, 1947; 8:47 a. m.]

[Docket No. G-690]

CHICAGO DISTRICT PIPELINE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JULY 10, 1947.

Notice is hereby given that, on July 9, 1947, the Federal Power Commission issued its findings and order entered July 8, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-6629; Filed, July 15, 1947; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 233]

RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., July 8, 1947, by John Murdock, McFarland, Calif., of cars SFRD 25517 and ART 24697, potatoes, now on the Union Pacific to Cochran Brokerage Co., Dubuque, Iowa (Mil)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 8th day of July 1947.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 47-6635; Filed, July 15, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-932]

NORFOLK & WESTERN RAILWAY CO.

FINDINGS AND ORDER GRANTING UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of July A. D. 1947.

The Boston Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, $100 Par Value, of Norfolk & Western Railway Company.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Boston Stock Exchange is the New England States exclusive of Fairfield County, Connecticut; that out of a total of 1,406,483 shares outstanding, 91,477 shares are owned by 2,171 shareholders in the vicinity of the Boston Stock Exchange; and that in the vicinity of the Boston Stock Exchange there were 443 transactions involving 8,527 shares during a twelve-month period ended February 28, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $100 Par Value, of Norfolk & Western Railway Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6642; Filed, July 15, 1947; 8:48 a. m.]

[File No. 7-933]

PENNSYLVANIA POWER & LIGHT CO.

FINDINGS AND ORDER GRANTING UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pa., on the 10th day of July A. D. 1947.

The Boston Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Pennsylvania Power & Light Company.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange and the Philadelphia Stock Exchange; that the geographical area deemed to constitute the vicinity of the Boston Stock Exchange is the New England States exclusive of Fairfield County, Connecticut; that out of a total of 2,500,752 shares outstanding, 75,654 shares are owned by 1,309 shareholders in the vicinity of the Boston Stock Exchange; and that in the vicinity of the Boston Stock Exchange there were 502 transactions involving 29,439 shares during a twelve-month period ended February 28, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Pennsylvania Power & Light Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F R. Doc. 47-6645; Filed, July 15, 1947; 8:49 a. m.]

[File No. 7-985]

SOUTH CAROLINA ELECTRIC AND GAS CO.

FINDINGS AND ORDER GRANTING UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of July, A. D. 1947.

The Boston Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, $7.50 Par Value, of South Carolina Electric and Gas Company.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Boston Stock Exchange is the New England States exclusive of Fairfield County, Connecticut; that out of a total of 808,587 shares outstanding, 52,449 shares are owned by 2,909 shareholders in the vicinity of the Boston Stock Exchange; and that in the vicinity of the Boston Stock Exchange there were 656 transactions involving 18,067 shares from November 15, 1946 to February 28, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $7.50 Par Value, of South Carolina Electric and Gas Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6644; Filed, July 15, 1947; 8:49 a. m.]

[File No. 7-997]

TOLEDO EDISON CO.

ORDER DETERMINING EQUIVALENT VALUE OF STOCKS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of July A. D. 1947.

The New York Curb Exchange has made application under Rule X-12F-2 (b) for a determination that the 4¼% Cumulative Preferred Stock, Par Value $100, of The Toledo Edison Company is substantially equivalent to the two following issues of this company: 7% Preferred Stock, Par Value $100, and 6% Preferred Stock, Par Value $100, which have heretofore been admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors;

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the 4¼% Cumulative Preferred Stock, Par Value $100, of The Toledo Edison Company is hereby determined to be substantially equivalent to the two following issues of this company: 7% Preferred Stock, Par Value $100, and 6% Preferred Stock, Par Value $100, which have heretofore been admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F R. Doc. 47-6643; Filed, July 15, 1947; 8:48 a. m.]

[File No. 70-1533]

NORTHERN PENNSYLVANIA POWER CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of July 1947.

Northern Pennsylvania Power Company, a subsidiary of General Public Utilities Corporation, a registered holding company, having filed an application, as amended, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, with respect to the following transaction:

Northern Pennsylvania Power Company proposes to issue and sell for cash at principal amount to Northwestern Mutual Life Insurance Company $600,000 principal amount of its First Mortgage Bonds, 2¾% Series, due 1975. The cash proceeds of the sale of the bonds are to be used for the purchase or construction of new facilities and betterment of existing facilities.

Such application, as amended, having been duly filed, and notices of said filing having been duly given in the form and manner prescribed by Rule U-23, promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application, as amended, within the period specified within said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of the applicable provisions of the act are satisfied and deeming it appropriate in the public interest and in the interests of investors and consumers that the said application, as amended, be granted, and deeming it appropriate to grant the request of the company that the order become effective at the earliest date practicable:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the application, as amended, be, and the same hereby is, granted and the proposed transaction may be consummated forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6641; Filed, July 15, 1947; 8:48 a. m.]